The VICE PRESIDENT. The Chair is informed that he has not.

Mr. BRANDEGEE. I withdraw my vote under those circumstances.

Mr. GORE. I transfer my pair with the junior Senator from Wisconsin [Mr. STEPHENSON] to the junior Senator from Georgia [Mr. WEST] and vote "yea."

Mr. LEA of Tennessee. I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. PITTMAN. I wish to announce the absence of the junior Senator from Delaware [Mr. SAULSBURY] on account of sickness.

Mr. WILLIAMS. Announcing my pair with the senior Senator from Pennsylvania [Mr. PENROSE], I transfer that pair to the junior Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. MARTINE of New Jersey. I am requested to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business, and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. WILLIAMS (after having voted in the affirmative). A moment ago I transferred my pair to the Senator from Kansas [Mr. THOMPSON]. I understand that since then he has come into the Chamber and voted. I therefore withdraw my previous announcement. I have, however, an agreement whereby I am permitted to vote in case it is necessary to make a quorum, and if it should turn out that there is no quorum I shall ask that my vote stand.

The result was—yeas 36, nays 12, as follows:

YEAS—36.

Bankhead	Hollis	Perkins	Stone
Brady	Hughes	Pittman	Swanson
Bryan	James	Reed	Thompson
Camden	Jones	Shafroth	Thornton
Chilton	Kern	Sheppard	Tillman
Clapp	Lea, Tenn.	Shively	Vardaman
Culberson	Lee, Md.	Simmons	Walsh
Gore	Martin, Va.	Smith, Ga.	White
Hitchcock	Overman	Smoot	Williams

NAYS—12.

Bristow	Cummins	Martine, N. J.	Pomerene
Burleigh	Kenyon	Norris	Sterling
Clark, Wyo.	Lippitt	Poindexter	Weeks

NOT VOTING—48.

Ashurst	Fletcher	Nelson	Shields
Borah	Gallinger	Newlands	Smith, Ariz.
Brandegee	Goff	O'Gorman	Smith, Md.
Burton	Gronna	Oliver	Smith, Mich.
Catron	Johnson	Owen	Smith, S. C.
Chamberlain	La Follette	Page	Stephenson
Clarke, Ark.	Lane	Penrose	Sutherland
Colt	Lewis	Ransdell	Thomas
Crawford	Lodge	Robinson	Townsend
Dillingham	McCumber	Root	Warren
du Pont	McLean	Saulsbury	West
Fall	Myers	Sherman	Works

The VICE PRESIDENT. On the motion to take a recess until 8 o'clock p. m., the yeas are 36, the nays are 12. Senators GALLINGER, GRONNA, and BRANDEGEE being in the Chamber and not voting but constituting a quorum with those who have voted, the Chair declares the Senate in recess until 8 o'clock p. m.

Mr. GALLINGER. Mr. President, for myself I want to dissent from the right of the Chair to count me to make a quorum.

The Senate thereupon (at 5 o'clock and 40 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

Mr. OVERMAN. I ask unanimous consent that the unfinished business, House bill 15657, be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BRYAN. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 6120.

Mr. SMOOT. Before the Senator from Florida makes that request I think we ought to have a quorum. There are very few Senators here. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Perkins	Thompson
Bryan	James	Reed	Vardaman
Camden	Jones	Shafroth	West
Chilton	Kenyon	Sheppard	Williams
Clapp	Lea, Tenn.	Smoot	
Gallinger	Martin, Va.	Stone	
Gore	Overman	Swanson	

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of illness.

The VICE PRESIDENT. Twenty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. THORNTON answered to his name when called.

Mr. THORNTON. I was requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

The VICE PRESIDENT. Twenty-six Senators have answered to the roll call. There is not a quorum present.

Mr. BRYAN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The Chair has a recollection that there is a standing order directing the Sergeant at Arms to request the attendance of absent Senators, which has been standing for a month and has never been vacated. The Sergeant at Arms will carry out the instruction of the Senate.

Mr. PITTMAN, Mr. BANKHEAD, Mr. LEE of Maryland, and Mr. HUGHES entered the Chamber and answered to their names.

After some delay,

Mr. MARTINE of New Jersey, Mr. FLETCHER, Mr. WHITE, Mr. RANSDELL, Mr. LEWIS, Mr. SMITH of Georgia, Mr. BRADY, Mr. KERN, and Mr. WALSH entered the Chamber and answered to their names.

After a further delay,

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 45 minutes p. m., Tuesday, August 18, 1914) the Senate adjourned until to-morrow, Wednesday, August 19, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God and our salvation, in whom there is no shadow of turning, make us true to ourselves and unite us as a people in the bonds of patriotism and the principles of religious truth; keep us free from entangling alliances, that we may enjoy the peaceful pursuits of life, that our "virtue may be the courage of faith, our cheerfulness the patience of hope, and our life the example of charity," after the manner of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 13415. An act to increase the limit of cost of public building at Shelbyville, Tenn.;

H. R. 2728. An act for the relief of George P. Heard;

H. R. 6420. An act for the relief of Ella M. Ewart;

H. R. 3920. An act for the relief of William E. Murray;

H. R. 14679. An act for the relief of Clarence L. George;

H. R. 13965. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States;

H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods;

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;

H. R. 17045. An act for the relief of William L. Wallis;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 11765. An act to perfect the title to land belonging to the M. Forster Real Estate Co., of St. Louis, Mo.;

H. R. 816. An act for the relief of Abraham Hoover;

H. R. 6609. An act for the relief of Arthur E. Rump;

H. R. 12463. An act to authorize the withdrawal of lands on the Quinaielt Reservation, in the State of Washington, for lighthouse purposes;

H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes;

H. R. 14405. An act for the relief of C. F. Jackson;
H. R. 14404. An act for the relief of E. F. Anderson;
H. R. 16205. An act for the relief of Davis Smith;
H. R. 10460. An act for the relief of Mary Cornick;
H. R. 9829. An act authorizing the Secretary of the Interior to sell certain unused remnant lands to the board of county commissioners of Caddo County, Okla., for fairground and park purposes;
H. R. 16431. An act to validate the homestead entry of William H. Miller;
H. R. 18202. An act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes;
H. J. Res. 249. Joint resolution for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission; and
H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval bills and joint resolutions of the following titles:

H. R. 9829. An act authorizing the Secretary of the Interior to sell certain unused remnant lands to the board of county commissioners of Caddo County, Okla., for fairground and park purposes;
H. R. 11765. An act to perfect the title to land belonging to the M. Forster Real Estate Co., of St. Louis, Mo.;
H. R. 816. An act for the relief of Abraham Hoover;
H. R. 6609. An act for the relief of Arthur E. Rump;
H. R. 12463. An act to authorize the withdrawal of lands on the Quinaielt Reservation, in the State of Washington, for lighthouse purposes;
H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes;
H. R. 6420. An act for the relief of Ella M. Ewart;
H. R. 13415. An act to increase the limit of cost of public building at Shelbyville, Tenn.;
H. R. 14679. An act for the relief of Clarence L. George;
H. R. 2728. An act for the relief of George P. Heard;
H. R. 14685. An act to satisfy certain claims against the Government arising under the Navy Department;
H. R. 3920. An act for the relief of William E. Murray;
H. R. 13965. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States;
H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods;
H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;
H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;
H. R. 1528. An act for the relief of T. A. Roseberry;
H. R. 17045. An act for the relief of William L. Wallis;
H. R. 1516. An act for the relief of Thomas F. Howell;
H. R. 14405. An act for the relief of C. F. Jackson;
H. R. 14404. An act for the relief of E. F. Anderson;
H. R. 16205. An act for the relief of Davis Smith;
H. R. 10460. An act for the relief of Mary Cornick;
H. R. 16431. An act to validate the homestead entry of William H. Miller;
H. R. 18202. An act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes;
H. J. Res. 249. Joint resolution for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission; and
H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State.

TAX UPON OPIUM AND ITS DERIVATIVES.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6282, with Senate amendments, disagree to the Senate amendments, and ask for a conference. This bill is what is known as one of the opium bills. The House passed the bill and sent it to the Senate about a year ago.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take from the Speaker's table the bill just read—H. R. 6282—disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, I have a tremendous amount of protest from the physicians in my district against this bill. They feel that it is going to handicap them by requiring them to keep a record of all opiates of all kinds and classes administered by them to their patients; and, then, another class of them apparently have an idea that they will not be permitted under the terms of this bill to administer opiates, but have got to apply to a specialist for it. If there is any way of taking care of that provision so as to not everlastingly annoy the country physician, I hope the gentleman will look after it in conference.

Mr. UNDERWOOD. I do not expect to be on the conference on the bill myself; I have not time to do it; but I will say to the gentleman from Indiana that there is nothing that I know of in the bill that requires the employment of a specialist. The Senate amended the bill by not requiring the doctors to make a record of the cases.

Mr. COX. Is that what is called the Nelson amendment?

Mr. UNDERWOOD. Yes. That would go to conference. On the other hand, the people who are anxious to suppress the opium traffic are very anxious to have this Senate amendment disagreed to, but it is a question in controversy. My request would only send the bill to conference.

Mr. COX. I am very much in accord with the whole tenor of the bill, and I have argued it out with quite a number of my physicians; but they come back to me with all kinds of statements and stories to the effect that it will practically ruin a country physician, a man who lives out in the country, as an illustration, and say, in addition to that, it will give the pharmacist in the towns and in the cities the right and power to mix up all opiates, and they will afterwards be debarred from all that practice. My only purpose in rising was to say that I hope that when the bill comes out of conference it will be so framed as to literally, if possible, suppress the traffic, but at the same time protect, as far as possible, the country practitioner.

Mr. UNDERWOOD. That issue will go to the conference, and I am not able to give an opinion at this time as to whether the latitude can be given that is warranted in the Senate amendment and at the same time protect the people against the traffic in opium. But that is a matter that the conferees will have to work out.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Indiana?

Mr. UNDERWOOD. Certainly.

Mr. ADAIR. In this connection, Mr. Speaker, I would like to state that I have received some telegrams from druggists since the Senate amended this bill, very seriously objecting to the Senate amendments. They feel that the bill as amended will not restrict the sale of opium as it was intended to do by permitting physicians to make use of this drug as they will be allowed to do under the provisions of this bill. They feel that the bill as it is now written and amended by the Senate imposes upon them certain requirements, and at the same time gives physicians certain privileges that physicians should not have if the business is to be stopped.

Mr. UNDERWOOD. That is the real point in controversy. There are a number of other amendments to the bill, but that is the most important one. That will go to conference for the conferees to work out under this request of mine.

Mr. ADAIR. But the bill, as I understand it, did provide that physicians and operating surgeons prescribing opium should keep a record showing when it was prescribed and to whom it was prescribed, so that the record would be open to inspection by the inspectors of the Government.

Mr. UNDERWOOD. The original bill did, but I understand the Senate amendment has modified that.

Mr. ADAIR. I think that is what the druggists are objecting to. They say it is modified in such a way that the dope fiend can obtain it through physicians in the future, as they have done in the past.

Mr. UNDERWOOD. That will go to the conferees.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. KITCHIN, Mr. HULL, and Mr. MOORE.

SILETZ INDIAN RESERVATION.

Mr. HAWLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAWLEY. Yesterday, just before adjournment, the House was considering the bill (H. R. 15803) to amend an act entitled "An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910. The bill had been considered in Committee of the Whole and had been reported favorably from the Committee of the Whole with an amendment. The previous question had been moved on the bill and amendment to final passage, and the vote taken on the previous question, and point of order made that no quorum was present. The RECORD reads as follows:

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. FITZGERALD. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 40, noes 7.

Mr. FITZGERALD. Mr. Speaker, I make the point of order there is no quorum present.

The parliamentary inquiry is this: Is that bill now the unfinished business for to-day?

The SPEAKER. It would have been if the previous question had been ordered upon it, which was not done.

Mr. FITZGERALD. The gentleman did not finish reading the RECORD. I immediately made the point of order that there was no quorum present.

The SPEAKER. It goes over until two weeks from Monday.

Mr. MANN. The next unanimous-consent day.

The SPEAKER. Yes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 178. Joint resolution granting authority to the American Red Cross to charter a ship or ships of foreign register for the transportation of nurses and supplies and for all uses in connection with the work of that society.

SECOND HOMESTEAD AND DESERT-LAND ENTRIES.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to call up H. R. 1657 from the Speaker's table, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman asks unanimous consent to call up a bill the title of which the Clerk will report.

The Clerk read the title of the bill (H. R. 1657) providing for second homestead and desert-land entries.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take this bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. FRENCH.

ENLARGED HOMESTEADS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table H. R. 1698, and to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 1698) to amend an act entitled "An act to provide for enlarged homesteads," and acts amendatory thereof and supplemental thereto.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take this bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. FRENCH.

THE WAR IN EUROPE.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to address the House for not exceeding 10 minutes.

The SPEAKER The gentleman from Texas [Mr. SLAYDEN] asks unanimous consent to address the House for not exceeding 10 minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, a few days ago one of my friends called my attention to an editorial, clipped from a New York paper, which impressed me as containing such pertinent and wise observations that I have determined that it will be useful to print it in the RECORD. I ask the Clerk to read it.

The Clerk read as follows:

A WORLD IN LIQUIDATION.

There should be little need to seek abstruse reasons for the world war, precipitated by the German militarist party with the Emperor at its head. He was probably never more sane in his life. But his overarmed country, like other countries of Europe, but in a more acute degree, was in the position of the great dry goods house which recently failed. Armament expansion could not go on, and it could not stop.

For such a situation the only possible liquidation was war. No one can believe that the initial quarrel, deliberately picked with Servia by Austria, could possibly have occurred without the connivance of the German ruler. If war was unnecessary in this case, what shall be said of four declarations of war in 48 hours, including Belgium, of whose neutrality Germany is a guarantor?

From various parts of the country this newspaper is receiving "prayers for peace." It would be a poor newspaper sheet, indeed, which could not make its own prayer in such an emergency. But the present crisis, dreadful as it is, still represents the only possible cure for a disease which has been affecting the whole world, including ourselves, since the Franco-German War of 1870.

There is just one cure, and if it were possible for some all-powerful autocrat to decree peace at this moment, the uneradicated seeds of mischief would still be there. Another world war would be merely a question of a few months. In no callous or cynical spirit it is said here and now that bleeding is the only cure for a disease which was hurrying the people of the earth into bankruptcy and barbarism.

It is entirely possible that the war may be mercifully short. Whatever the steps taken may be, the banks of Europe, and especially those of Germany, will have suspended payment in a few days. Germany has cut off the Russian supply of grain to her people. She can not depend upon getting supplies of food, with any certainty or regularity, from this country or Argentina, and least of all from Australia. She can not feed her 60,000,000 people, largely industrial, without such assistance. Her one desperate hope is that she may make some such whirlwind 30-day campaign of victory as Frederick the Great made a century and a half ago.

This is her one remote chance, and if she wins, victory may be indistinguishable from defeat, in its effect upon her neighbors and customers.

Mr. SLAYDEN. Mr. Speaker, the opening paragraph of that editorial is my text for the few brief remarks I shall submit. I may say in this connection that it is not my purpose to harshly criticize any one Government or ruler. My criticism is directed at a policy—a policy of crime and disaster, as I view it—common to all of them, and from which, I may say in passing, we are not entirely exempt.

The editor is right. There is no need to seek for abstruse reasons for the almost world-wide war recently begun in Europe, which grew out of a relatively unimportant quarrel between Austria and Servia. The reason is so plainly seen that he who runs may read. It is clearly the result of excessive armament, and it forever disposes of the argument that great preparedness for war is the way to insure peace. The war of all Europe shows that it has precisely the reverse influence, as some of us have contended all along.

The advocates of peace through arbitration have expected and have met the sneer that their work has been in vain. But these scorners overlook the fact that there has been no general agreement to arbitrate international disputes. The plan of reason has had no trial. These advocates of the policy of suspicion, hatred, discord, and blood have never had any sympathy with the effort to substitute reason for force in the adjustment of quarrels between States. It does not suit their purposes.

This opposition has come from people who really seem to believe that the only way to keep the peace is to have the whole world ready to fight, from some who hope to gain promotion, high rank, and fortune through war, and from commercial interests which make great earnings in the traffic in war material. The last is by far the more important and influential class. It controls newspapers and magazines, parliaments, and rulers.

The one plea in justification of a policy which is piling high the burdens of the people has been this now thoroughly discredited and exploded argument that what was paid out for excessive armaments was merely a premium on insurance against war. The world has already paid out so much in these premiums that it is bankrupt, and the war has come after all.

In all its horrible nakedness the argument now stands exposed. Will the people and their representatives ever again be deceived by these bloody fallacies? I hope not, and I am inclined to believe they will not.

In Germany, France, England, and Austria thousands of good men and women have protested and are now protesting against this "greatest crime of the ages," as Gen. Miles has called the war in Europe.

Mr. Speaker, the peace movement has not been in vain. It has made the people think. Millions now see and understand the danger of being overarmed where only thousands saw it before.

A crack-brained boy assassin in Servia killed a man and woman, and straightway kings and emperors seized on the incident as an occasion for redefining territorial boundaries and ordered thousands, it may be hundreds of thousands, of other men to their deaths. Nothing could be less logical or more

cruel. The boy assassin is forgotten. His crime served as a pretext for the ambitious monarchs, and he has gone to oblivion. Meantime Europe is a slaughterhouse and the plains of Belgium are soaked with blood.

Germany, France, England, and Austria, centers of learning, art, and industry, are in a death grapple. Who will gain? Our former President, Mr. Taft, answers that question when he says that "the immense waste of life and treasure in a modern war make the loss to the conqueror only less, if it be less, than the loss of the conquered."

Already we feel the burden of this unparalleled war here in the United States. The South has paid a heavy toll in the reduced price of its greatest staple, cotton. Private property at sea under the flag of an enemy is still captured and appropriated in prize proceedings, which is only another way of saying that piracy survives among the so-called civilized and Christian nations.

The interruption of commerce and suspension of traffic on the high seas means inconvenience and suffering for all the people, whether at war or peace. Quick communication and interwoven interests make it more important now than ever in history that peace shall be preserved if all are not to suffer, innocent and guilty alike, if not in the same degree.

The press reflects the people, and newspapers are saying that if there had been no excessive armaments there would have been no war. The great preparedness compelled it, and, in the language of the editorial which the Clerk read, "for such a situation the only possible liquidation was war."

That, sir, is the lesson of the greatest crime of the ages.

War lords have much to answer for, and I hope full settlement will be exacted, even if it takes thrones and dynasties to pay the bill. Workingmen are more useful to the world than kings, and the wrong men are dying. [Applause.]

PROCEEDINGS OF THE HOUSE.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. I ask unanimous consent to address this House for about 10 minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to address the House for not exceeding 10 minutes. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman state the subject?

SEVERAL MEMBERS. Do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. DONOVAN. Mr. Speaker, yesterday we had a spectacle here that may do credit to the educated man, the great leader of the minority, rising from his feet and resorting to tactics that he has many times resorted to, claiming that he made a motion for the purpose of debate, and so stating, but when the opportunity came to him, and he got possession of the floor and the subject matter, he was silent and said not a word. Now, the secret of it was this: We were considering under the Unanimous Consent Calendar, and by the Speaker the question was stated, "Is there objection to the present consideration?" Time after time periods of half an hour were used, and sometimes objection, but no consideration except gentlemen listening to themselves. Now, when the matter of the post office at Plymouth, Mass., came up, a simple matter, the report showed that it involved the expenditure of $2,000 more; that was all. Not a member of the committee who reported the bill was present, and the gentleman in whose district the post office was located [Mr. THACHER] went over in the center and addressed himself to the leader of the minority, and that, too, was a spectacle. He was trying to enlighten the gentleman who had reserved the right to object.

The distinguished leader of the minority turned his head to one side, refused to be enlightened, and seemed to be bored by the gentleman's remarks. After that had been going on about 10 minutes I rose from my seat and addressed the Speaker and said, "Mr. Speaker, regular order." Well, the dignified gentleman who represents an Illinois district objected, as he often does, and quietly shifted to the Member from Connecticut the blame for the bill being shunted off the calendar. Well, the unsophisticated Member from Massachusetts swallowed the medicine, so to speak, and came over to me and begged me to withdraw. I had not made any objection. But here is the picture: A few moments afterwards an Indian bill came up, relating, my God, to a class of people who have been slaughtered and ruined always by the people of this country from the beginning to the present day, and this attitude was not neglected yesterday. That bill was introduced by one of his associates on his side of the House. Another simple matter. The question in the bill was, Shall the money from the sale of these lands be distributed pro rata amongst the Indians, or shall it be by the direction of the Secretary of the Interior? Well, the distinguished character reserved the right to object. Did he say anything on the Indian question? I refer everyone to the RECORD. Not a word. After those tactics had been progressing, I think, about 15 minutes I rose from my seat and addressed the Chair, "Mr. Speaker, regular order." Here is where the Ethiopian appeared in the woodpile. It was a gentleman on his own side who was talking; and instead of saying, as he had to the Member from Massachusetts [Mr. THACHER], "On account of the gentleman from Connecticut I will object," he changed his attitude—it was one of his own kind. That is the art of the man, the shrewdness of him; and we are told that shrewdness is a lower order of brain. [Laughter.] What did he do? If there is anything that rankles in the breast of the minority leader it is to put him in a position where his tongue must be stilled to silence, and it had to be stilled to silence in that parliamentary proceeding, but he rose to the occasion. He said: "I move, Mr. Speaker, that we go into the Committee of the Whole House on the state of the Union, where we can get a chance to debate this bill."

Let us see how he debated that Indian bill. The question was whether there should be a division pro rata amongst the Indians or whether it should be under the direction of the Secretary of the Interior. Here is the way our distinguished gentleman debated the bill—intelligent treatment, too, it was; just listen to it.

The subject of his remarks was that it does not do to throw a monkey wrench into the machinery, or whether it was wise for a monkey to do it. [Laughter.] That was the great leader's intelligent discussion of the Indian bill. It was what the gentleman from Minnesota [Mr. STEVENS] would call "chewing the rag." There was not a word said in regard to the Indian bill.

After making that point, and after getting the House into Committee of the Whole House, with a new presiding officer in the chair, he rose in his might and suggested to the Chairman that the first reading of the bill be dispensed with. Now, that was a momentous affair, because the bill was only seven or eight lines in length, and it took about that number of lines for the Chairman to repeat the statement of the gentleman from Illinois and have it acted upon. So that was a great saving of time. Then the point of order was made by myself of no quorum. The quorum came in, and the gentleman felicitated himself on the large number that were present. Then he went back to the monkey-wrench story and dropped into his seat, and that was all of his debate upon the Indian bill.

Now, Mr. Speaker, the point of order was made of no quorum, and Members came in here with an air of saying, "Who is it that made the point of no quorum?" One is somewhat in doubt where Congress meets. Not infrequently men may think that it meets in this Hall; but by the air that some Members put on it seems that they think it ought to meet in the House Office Building. Perhaps it ought to meet across the Atlantic, where some are enjoying themselves and still drawing their salary. Perhaps some may think it ought to meet in the State of Ohio, where the enlightened Member of the House, Dr. FESS, has been instructing his scholars, and where he has spent his time, except when he comes back occasionally to dwell on the ability and honor of Fire Alarm Foraker or else abuse the President of the United States.

Gentlemen, I hold in my pocket here to-day a tabulated statement by a Member of this House showing the attendance of his associates, who are more than half of the time away. What a spectacle it is! Last Friday we had a Private Calendar day, and we practically passed two bills on the Private Calendar on account of the filibuster by the minority leader and two or three of his associates. We passed two private bills. Now, that may have been all right. The filibuster was not for the purpose of defeating those bills, for they did not oppose them, but it was to defeat bills that were not in sight, bills containing the claims of people that had lost their all in the great conflict that raged, a sort of family affair between the North and the South. All they asked was that they be sent to a court for determination. The other side has a great regard for the court, but it filibustered for fear some of these bills would pass for the courts to pass upon, and so order them to adjust the claims. They would not trust them, and the filibuster was indulged in against these poor people for asking for a day in court. They denied these poor people a hearing in the only place in the United States where they could get it. That is the ability and management of the great gentleman from Illinois of public business. Oh, for the shades of Lincoln and Conk-

ling and Blaine! From what a height have their mantles fallen. [Applause.]

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3561. An act to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

AMERICAN RED CROSS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 178.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 178) granting authority to the American Red Cross to charter a ship or ships of foreign register for the transportation of nurses and supplies and for all uses in connection with the work of that society.

Resolved, etc., That authority be granted to the American Red Cross, during the continuance of the present war, to charter a ship or ships of foreign register, to carry the American flag, for the transportation of nurses and supplies and for all uses in connection with the work of said society.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. MANN. Will the gentleman from Missouri yield me a little time?

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, this is a resolution in reference to the Red Cross, which recalls to all of us the present situation in the world. It seems to me that in this country at this time it is extremely important that everyone in official life, as well as those in private life, should resolve firmly that they will not be carried away with any hysterical emotion or by any partisan feeling for or against either side in this conflict abroad. [Applause.]

I believe that this is an opportunity for America which seldom or never has come before to any nation in the world. The great powers abroad are in deadly conflict. I had hoped and believed even after the war commenced that it would not really commence; but it looks now as though there would be a desperate struggle for existence by these nations engaged in war. There will be many times when complications will arise affecting our interests and our policies.

When men are engaged in a life struggle they are not careful or too particular about the interests of outsiders or about observing the ordinary courtesies or amenities laid down in advance for the control of conflicts. When these occasions arise where we are tempted to become partisan for or against, where we are tempted in order to preserve what we may call our honor to engage in the conflict, let us make up our minds now to keep our minds firm in that determination that this country shall not become under any circumstances engaged in the war on either side. [Applause.]

I believe the administration under President Wilson will be cool and calm. The danger will come when some American ship may be seized or some American interest may be affected, when people will become excited. It is the duty of all parties in this House and elsewhere, the duty of all good citizens, to stand behind the administration and make the administration feel that its duty to humanity, to civilization, and to the interests of the United States and her citizens is to keep out of the struggle [applause] and to make use of the opportunity which comes to us for our advance in civilization and power throughout the world. [Applause.]

Mr. ALEXANDER. Mr. Speaker, in harmony with what the gentleman from Illinois [Mr. MANN] has said, I may say that the present situation in Europe appeals to me very keenly. From the 12th of November last until the 20th of January I sat in council daily with the representatives of all of the countries in Europe now engaged in this deadly conflict. We then had under consideration the question of greater safety of life at sea. We met as friends with a common purpose, and at that time I could not discover any of the ill will that so soon would involves Europe in war, and I recall those men, splendid types of their several nations, men of the highest citizenship, distinguished for their great service on behalf of their Governments and for humanity, and I am wondering how this titanic struggle will affect their fortunes, as well as the fortunes of the Governments they served with distinction and honor. I wish to share the sentiment of the gentleman from Illinois that we, as a nation, may not become involved in that struggle otherwise than in a humanitarian way. Let our hearts go out to them in sympathy; let us be helpful to them in every possible way. Let us alleviate the suffering and woe, the distress, and the awful consequences of war. This resolution is an expression of the Red Cross of our country for those people, and this is an effort upon their part, with our help, to equip one or more ships under the American flag to go to the relief of those who will suffer in the war, and I trust the resolution will pass without a dissenting vote. [Applause.]

The SPEAKER. Without objection, the Senate resolution will be considered as read a third time and passed.

There was no objection.

WATER POWER ON THE PUBLIC DOMAIN.

The SPEAKER. Under the rule adopted the other day the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16673, with Mr. FITZGERALD in the chair.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, lines 7 and 8, by striking out the words "or those who have declared their intention to become such."

Mr. FERRIS. Mr. Chairman, if the gentleman will yield I will ask how much time he desires?

Mr. MONDELL. Only a minute or two on this particular amendment.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment at the end of five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to close debate on the pending amendment and all amendments thereto in five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the bill provides that the Secretary of the Interior may grant leases to citizens of the United States or to those who have declared their intention to become such. These leases are, in a way, perpetual, although they may be terminated at the end of 50 years. I think it is a mistake, and I am sure it is a departure from our past policy to grant anything like a long-continued and what may become a permanent interest in the public lands to those who are not citizens of the United States. We do grant those who have applied for citizenship the right to make entries of some classes, but we require that they shall become citizens of the United States before their rights permanently attach. As these rights are for a considerable period of years, and to a certain degree permanent under certain conditions, I do not believe that they ought to be enjoyed by aliens.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following substitute for section 1 which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out section 1 and insert the following:

"That the right of way through the public lands and national forests of the United States is hereby granted to any individual or association or corporation formed for such purpose who shall file with the Secretary of the Interior satisfactory proof of right under the laws of the State or Territory within which the right of way sought is situated, to divert and use the water of said State or Territory from the source and for the purposes proposed, for the purpose of irrigation or any other beneficial use of water, including the development of power, for the construction, maintenance, and use of water conduits, canals, ditches, aqueducts, dams, reservoirs, transmission and telephone lines, houses, buildings, and all appurtenant structures necessary to the appropriation or beneficial use of such water or the products thereof to the extent of the ground occupied thereby and 50 feet on each side of the marginal limits thereof. Also the right to take or remove from such rights of way and lands adjacent thereto material, earth, stone, and timber necessary for the construction and maintenance of such water conduits, canals, ditches, and other structures or works authorized under this act."

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of seven minutes, five of which will be controlled by the gentleman from Wyoming and two by some member of the committee, debate on this amendment and all amendments to the section close.

Mr. MONDELL. Mr. Chairman, I ask the gentleman from Oklahoma to make that 10 minutes. I think I would like to have 7 minutes myself.

Mr. FERRIS. Very well. I ask unanimous consent that all debate on this amendment and all amendments to the section close in 10 minutes, 7 to be controlled by the gentleman from Wyoming and 3 by some member of the committee.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending amendment and all amendments to the section close in 10 minutes, 7 minutes to be controlled by the gentleman from Wyoming and 3 by the gentleman from Oklahoma or some member of the committee.

Mr. FOWLER. Mr. Chairman, reserving the right to object, I understand that if this consent is given, no debate can be had on any other amendment to the section?

The CHAIRMAN. That will be the effect of it.

Mr. FOWLER. I desire to offer an amendment to the section, and I would like to have 10 or 15 minutes.

Mr. FERRIS. Then, Mr. Chairman, I ask unanimous consent to make it 20 minutes instead of 10.

The CHAIRMAN. What is to be done with the other 10 minutes? The gentleman from Oklahoma asks unanimous consent that all debate on the amendment and all amendments thereto to section 1 close in 20 minutes, 7 minutes to be controlled by the gentleman from Wyoming and 3 by the gentleman from Oklahoma. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Wyoming is recognized for 7 minutes.

Mr. MONDELL. Mr. Chairman, the bill which we have under consideration makes a very important radical departure from the past policy of the Government in the utilization of the public lands. We have heretofore granted easements over the public lands, terminable, in the case of easements for water-power purposes, at the discretion of the Secretary of the Interior and permanent as to other classes of rights of way for water. The bill under consideration provides for a lease for a term of 50 years, and yet provides an element of perpetuity, partly by reason of the provisions of the bill and partly by reason of the fact that these water powers must be developed under perpetual water rights. I think the new plan is a mistake from every standpoint, and I have offered an amendment, the purpose of which is to provide for the rights of way for all purposes of development connected with the use of water, and I shall follow this with other amendments mostly taken from a bill which I introduced some two years ago, intended to codify all our right-of-way acts for water-development purposes. The adoption of this amendment would in no wise modify any of the provisions of the bill relative to the control of the enterprises which might be established. All possible and all necessary provisions could be made and should be made for public control of these enterprises by the proper sovereignty. But this would make the right secure, and thus in my opinion give the people who are to be served by them the very cheapest possible power, and that is the end aimed at by the legislation. There has been a great deal said here about the combinations of water powers at the present time in the United States, and the statement is made as though it followed that the enactment of this legislation would break up this monopoly in the ownership of power and prevent future concentration or further concentration. As a matter of fact, there is nothing whatever in the legislation that can affect the present concentration of ownership or interlocking interests in water power except to have the effect of more completely centralizing them, because it will leave all present water powers compared with those to be developed in the future in a most advantageous position. Furthermore, under this bill the Secretary of the Interior could grant to one corporation all of the water power, all the lands controlling water power, in all of the United States. Furthermore, there is nothing in the legislation that in its operation would tend to increase the number of units of interest in water-power development.

The logical tendency of the legislation, in my opinion, will be to concentrate water power in a few ownerships rather than to separate it into many ownerships. As a matter of fact, I am not one of those who have been as much disturbed as some have been by the statement or the allegation that the water powers of this country are in comparatively few ownerships. The statements made in some Government publications relative to the matter are, in the first place, considerably exaggerated, and, in the second place, it is not extraordinary that bankers go into the banking business, that shoemakers make shoes, that millers go into the milling business. There are comparatively few great companies in the world making machinery which is utilized for the development of water power, and it is quite natural that those few companies should take some interest in the enterprises undertaken. There are comparatively few men with an intimate knowledge of water-power development and its detail, with the knowledge essential for success. Naturally, they become interested in power enterprises. The people are not so much interested in who runs the water powers as they are in their speedy development and in saving the people's control of these enterprises and of their cheap utilization. The legislation before us, in my opinion, is not of a character to tend to the speedy development and cheap sale of power. Furthermore, I want to emphasize the fact that if there be any great evils in the present condition of water-power ownership, and if great evils would arise from the continuation or extension of that condition of ownership, there is nothing in this legislation to remedy that condition or prevent it in the future. I believe it will tend to intensify the condition complained of.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I could not follow the long amendment offered by the gentleman from Wyoming, and neither could I follow all he said. In any event, Mr. Chairman, to offer a substitute section from another bill to the original bill under consideration would throw the entire bill and purposes of it out of joint and out of order, and I hope no considerable portion of the committee will feel there is any necessity for voting for the amendment. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 1, on page 3, add the following proviso:
"*Provided further*, That the Interstate Commerce Commission shall have power to regulate and adjust rates for the use of such hydroelectric power in all cases coming under Federal control."

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to proceed for eight minutes. I may not use that much time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for eight minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOWLER. Mr. Chairman, the object of this amendment is to place the regulation and control of hydroelectric power under the control of some specific body which is responsible to the public. The Interstate Commerce Commission is the most desirable for this work, as one of its duties is to supervise and regulate railroad rates. It makes a study of rates and is as well prepared to regulate the rates of business operated by hydroelectric power as it is that of business operated by steam power.

As I view this bill, and also as I viewed the Adamson dam bill, there is a lack of such provision, and I feel, Mr. Chairman, that if we pass this bill in its present form we will feel very keenly in the future the lack of having made a definite provision whereby this power can be regulated and controlled. The length of a lease is not very important if there can be an assurance of the regulation and control of the power which this bill seeks to confer. It has been contended by some that a 50-year lease ought to be given in order to encourage capital. I had felt that a less number of years would be just as great an incentive to the encouragement of capital, for it will be eagerly sought far and near. I am not so particularly interested in the number of years which the lease will run as I am in the certainty of the control of the powers granted in the lease. Mr. Chairman, nowhere in this bill is there a provision giving definite power to anyone to control rates.

In Canada the law limits the length of the lease to 20 years, and, as I recollect, a definite provision is made in the law for the regulation and control of the hydroelectric power and its use to the public. If this can be done, then the rights of the people will always be secure. If it is left uncertain, then the rights of the people will be jeopardized. You can not change the hearts of men by the enactment of law unless that law is strong enough to regulate the hearts of men. The same old heart that was greedy with the power generated by coal and wood will be just as greedy with the power generated by water. The same old heart that is greedy for dollars and cents in the business of to-day will be just as greedy in the business of the future. And it is idle to talk about men being sincere and honest and fair about incomes, because I have never seen a man who ever stopped to think of what the results would be while calculating his income. The first thing he does is to figure in dollars and cents his income. After that he may think about something else.

Why, all over this country to-day we find a spasmodic rush on the part of dealers for the purpose of enhancing their incomes, on a plea that it is necessary as a war measure. It

reminds me of the old story of the Jew pricing his silks to a lady customer at about twice the usual price, and when she complained he explained: "Vell, madam, I vant to tell you that all the silkvorms have died, and silk has gone up." His son was present and heard his father's explanation, and thought it was fine. His father went to dinner and left his boy in charge of the store. Another lady customer came in to buy some tape, and, like his father, he priced it to her at twice the usual retail price. She complained, and he replied: "Vell, madam, I vant to tell you that all the tapevorms have died, and der price has gone up." His explanation had as much reason to it as that now given by the merchants for extortion and open robbery. If prices continue to increase, the public will soon be cut so short in food supplies that all the "tapeworms" will die sure enough.

Now, we will find the same old greedy heart in business operated by hydroelectric power as is manifested in the business now. I imagine I can hear some time in the future, when our posterity is meeting with the same conditions of extortion that we are to-day, the voice of some Member's grandchild, after looking over the CONGRESSIONAL RECORD on the vote on this bill, exclaiming "I wonder what made grandpa vote for that bill." Now, in order to command the respect of our grandchildren, in order to command the respect of posterity, and in order to command the respect of mankind, we ought to regulate this power by definite terms, so that in the future the rights of the people will be safe.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that right.

Mr. FERRIS. Mr. Chairman, I yield to no man, and I think the committee yields to no one, in respect and admiration for the Interstate Commerce Commission; but there is a limit to all human power to work, and the Interstate Commerce Commission has had pressed down upon them now more work than they can do.

Another reason why the gentleman's amendment should not be agreed to, as I think, is that the Secretary of the Interior, as the question now stands, with so much of the land in public ownership and so many Federal questions involved, is, according to every witness that appeared before us, the proper one to carry on this work. We had before us ex-Secretary Fisher, Mr. Pinchot, Secretary Lane, George Otis Smith, and also numerous engineers. The time will, in the future, doubtless come when a Federal water-power commission will be created that will take over all the water-power interests in the War Department, in the Agricultural Department, and in the Interior Department, and will be a great constructive force in this country, as it ought to be. Yet I think there are but few of us now who will agree that we can carry out a program of that sort at this time, and I think there are still fewer of us who will agree that we ought to take away from the organized force in the department their ability and power to deal with this question. The Interstate Commerce Commission is not now organized to handle the development of water power on the public domain.

Again, on page 4 of the bill, in section 3, it specifically reserves to the Federal Government the right at any time to take the regulation away from the Secretary of the Interior and give it to such a body as Congress may decree. Whether it would be in keeping with the amendment of the gentleman from Illinois and be the Interstate Commerce Commission, or whether it would be a Federal water-power commission, I do not know, nor do I know which is best; but in either event all rights are reserved to Congress, and I hope the gentleman's amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That each lease made in pursuance of this act shall provide for the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions, and may provide that the lessee shall at no time, without the consent of the Secreary of the Interior, contract for the delivery to any one consumer of electrical energy in excess of 50 per cent of the total output.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "reasonable," in line 14, page 3, and insert the word "complete."

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 14, strike out the word "reasonable" and insert the word "complete."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, under this bill the Secretary of the Interior is given absolute power and control over these enterprises. A wise Secretary of the Interior would undoubtedly, in deciding between various applicants, other things being equal, favor the applicant who promised the largest development. And, everything being equal, he should, it seems to me, favor the applicant who would agree to the practically complete development of the particular power proposed to be developed. Of course it would be necessary that he should give the individual or corporation proposing the development a reasonable length of time in which to provide for this development. But if we are to give the Secretary authority, unlimited authority, without any particular guide to its exercise, one Secretary might hold to one view of his duties and responsibilities and another Secretary to another.

Under a bill like this I doubt, without radically changing the character of the bill, if it would be possible to lay down a great number of rules to guide the Secretary, but we should at least adopt some, and one proper rule, it seems to me, would be a rule for the complete development within a reasonable time, depending upon the conditions of the market and the enterprise undertaken. The complete development, the complete utilization of a given opportunity, for power development is highly important. Nothing is more wasteful than the limited utilization of large opportunities for power development. I assume in any event that any Secretary would take that fact into consideration; but I think we should provide, as my amendment does, that in any grant which the Secretary makes he shall include, as one of the conditions, that eventually, and subject to the market conditions, there shall not only be a diligent and orderly but a complete development of the power.

Mr. RAKER. Mr. Chairman, the provision of this section provides for diligent work. This is important. It ought to be done. The provision provides for the orderly disposition of the work. It would apply to the dam, and to the survey, and to the engineering, and to the work after it had started in upon their reservoir, their dams, their conduits, and whatever might be necessary to complete the system, as well as the installation of the necessary machinery—a reasonable development.

Now, to say that it must be a complete development at once would be to say something that the gentleman from Wyoming would not want.

Mr. MONDELL. Mr. Chairman, my amendment proposes nothing of the kind, as the gentleman from California will observe.

Mr. RAKER. Sure; I have it right here. I will call the gentleman's attention to it; a complete development at once, before you do any other work. You will notice——

Mr. MONDELL. All this development, this diligent development, this orderly development, is subject to the market conditions. If the gentleman will allow me—I do not want to take his time—all that I propose is that the Secretary, in making these contracts, shall make them with those who will agree to ultimately complete the development of all the available power.

Mr. RAKER. There is not any question as to what this language means; that each lease made in pursuance of this act shall provide for what? The lease shall provide for what? First, a diligent working of it; second, an orderly working of all the various conditions of the plant; and, third, a reasonable development. You do not want a man to say, "I am going to make a complete development at once." It should be a reasonable development, as he moves along from day to day, from week to week, from month to month, with a plant costing $10,000,000 or maybe $50,000,000. You should require that he must reasonably continue to invest his money and build his dam and his reservoirs and his ditches; and it must not only be reasonable, but it must be a continuous operation of the water power. That is all that could be asked under this, all subject to market conditions.

Now, the gentleman would not want to say——

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Illinois?

Mr. RAKER. Yes; I will yield to the gentleman.

Mr. THOMSON of Illinois. Does not the gentleman also feel that when a project presents itself at the time the lease is

entered into, it is impossible for anybody to tell just what may be or may not be a complete development of that project?

Mr. RAKER. I think the gentleman is eminently correct on that, and that was one of the matters considered by the committee—that there must be some judgment; there must be some discretion; there must be something connected with this work, so that a man could be in a position to work out the ultimate complete project as specified and as intended, so long as he reasonably develops that project.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. MONDELL. The Secretary must exercise some discretion in these cases?

Mr. RAKER. Surely.

Mr. MONDELL. Now, as between an applicant who promises that within a reasonable length of time and subject to market conditions to completely develop the enterprise, and another applicant who simply promises to develop it along, which of those applicants should the Secretary give the preference to?

Mr. RAKER. That would not be enough facts upon which any Secretary or judge could determine.

Mr. MONDELL. Under this language the Secretary can not turn down the man who promises complete development and can turn down the man who gives no assurance in that direction.

Mr. RAKER. I believe it is unfortunate; but it is the consensus of opinion of this House so far that the Secretary should have that discretion. We hope it will work out all right. But any man who would come in and tell the Secretary, "I will complete this immediately," would of necessity be turned down by the Secretary as a fakir.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. JOHNSON of Washington. Mr. Chairman, the gentleman from California [Mr. RAKER] has just remarked that "it seems to be the consensus of the House, so far at least, favors the provisions of this bill," and so forth. I want to remark the peculiarity of that remark in view of the fact that there are not 30 Members on the floor at the present moment, including three or four members of the committee itself, which has 21 members.

Mr. Chairman, with this bill we are running further and further into red tape, and any man who knows the West will understand what that means.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from California?

Mr. JOHNSON of Washington. Yes; I yield.

Mr. RAKER. Is it not a fact that there is less red tape in the provisions of this bill than under the present law to-day respecting that detestable revocable permit that has prevented the development of water power in the last 10 years in the West?

Mr. JOHNSON of Washington. I will reply to the gentleman by saying that, even when this bill is made into law, one will still have to go to the Secretary of Agriculture for certain permissions, and to the Secretary of the Interior, and to the Reclamation Service, and to the Indian Bureau, and so on, for certain permissions on the same project. I had a case in point only yesterday. The valuable low lands between Seattle and Tacoma, both of which cities are on tidewater, is marked by a small stream that flows with so little movement that it moves either way. Sometimes it flows into the harbor in front of Seattle, and sometimes into the harbor in front of Tacoma. In either event it floods the rich surrounding territory at one of its ends or the other. As long ago as the 1st of June, attempts began to secure the right to place a small dam in that stream, so that its waters would always flow one way. The first release had to be obtained from the Reclamation Service in the Interior Department. The next release had to be received from the Geological Survey, in the Department of Agriculture. The survey had to make sure there is no water power in that dead-level stream. Then, the next release required is from the Indian Office, because there is a half section or so in the neighborhood given over to an Indian reservation known as the Muckleshoot Reservation; and after those permissions are received, one must go to the Commissioner of the General Land Office and get his O. K., and then pass the proposition up to the Secretary of the Interior, who will issue a permit for the commissioners of the two counties, who, after many years of loss and delay, have worked out this plan to go ahead with the work.

That work should be completed before the rainy season sets in out there—the 15th of September. The first of these applications was made in June, and they are not ready yet. I went yesterday to these various departments and saw all the clerks who have anything to do with it, and found a great number on their vacation. These papers are piled up. The departments are busy. Each one of these bills makes more work and more congestion. The work overlaps, and the more you take away from the States their rights to control their own domain and their own resources the greater will be the power of the bureaus, the more the congestion, to say nothing of greater delay and still more red tape.

Mr. FERRIS. Mr. Chairman, just a word on the amendment offered by the gentleman from Wyoming [Mr. MONDELL]. The same question came up in the hearings, and I think the hearings dealt with it in an intelligent way. If I may, I will read what was there said. Mr. Pinchot was on the stand, and I may add that while my friend from Wyoming, Mr. MONDELL, has often asserted that he is a good conservationist, we have not always been able to agree with him about it, but I find him in this particular instance going in excess and further than Mr. Pinchot would go. His amendment strikes out the word "reasonable" and compels them to make complete development. The effect of it would be that the Interior Department might require the power company to do an idle and a silly thing, to wit, to create power that could not be used or sold.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I do.

Mr. MONDELL. I find that a real conservationist like myself frequently would require things that a make-believe conservationist never would think of requiring.

Mr. FERRIS. I thought, perhaps, the gentleman would add that. Now, let me read from the hearing:

> Mr. PINCHOT. Then, on the same page, lines 15 and 16, "That each lease made in pursuance of this act shall provide for the reasonable development." I would like to insert there "provide for the prompt, orderly, and reasonable development," in accordance with the outline of policy submitted at the beginning.

Now, we did insert the suggestion made by Mr. Pinchot, and listen to what he says about it:

> Enormous holdings of undeveloped water power by the big water-power interests make it very desirable, I think, that prompt development should be insisted on. Then, in the same section, lines 16 and 17, "continuous operation of the water power." That should be made, I think, "subject to market conditions."

And we put that in. He said further:

> I do not think it is fair to insist that the companies should continuously operate in case market conditions were unfavorable.

Now, a company might have a water-power plant in Wyoming where they could generate 100,000 horsepower, where there was no market at that time for more than 50,000 horsepower. Surely no one would want them to generate power that could not be sold. That would merely be putting a burden on the consumer. This dead expense would be taken into consideration by the public utility commission that regulated it, if the regulation was in the States. If in the Secretary, he would be compelled to take it into consideration. Surely, few will desire to do any such thing. That would merely be a burden that the Secretary of the Interior would have to take into consideration in the event of regulation by the Secretary of the Interior.

Mr. MONDELL. Does not my friend think that the Secretary of the Interior should have the authority, and that it should be a part of the contract that when there is a market there must be a complete development?

Mr. FERRIS. Precisely, and that is included in the bill, as we think, because the bill provides for the reasonable, orderly, and prompt development according to the market conditions; so that if there be a demand for the power they must not only generate it, but develop it properly, orderly, and in a reasonable way. This is all provided for. That phase of the bill was carefully considered.

Mr. SMITH of Minnesota. In drawing a lease, would you use the word "reasonable" where you wanted to obtain a certain amount of work done?

Mr. FERRIS. The gentleman asks about a specific case. The Secretary of the Interior has unbounded authority to put in the lease any provision that he thinks will more effectively carry out the provisions of this act, and I should not like to render a horseback opinion as to whether a specific word should go in or out; but I have no doubt that the Secretary of the Interior will put in every provision for the public interest that he can put in and at the same time procure development. I am satisfied that is what the gentleman would have him do.

Mr. SMITH of Minnesota. Is it your opinion that the word "reasonable" would go into the lease, and be a part of the language of the lease?

Mr. FERRIS. Not necessarily. This section does not pretend to lay down what the specific provisions of the lease shall be; it merely provides what the law shall be. Then a later section does authorize the Secretary of the Interior to make such a lease as he desires in order to carry out the terms of the lease. It is possible, of course, that he might put it in or put it out.

The question at issue has nothing to do with the formal parts of the lease.

I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 15, page 3, after the word "conditions," strike out the remainder of the section and insert a period.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion, to perfect the section, before the motion of the gentleman from Wyoming [Mr. MONDELL] is voted on.

Mr. MONDELL. This does not strike out the paragraph.

Mr. STAFFORD. But the gentleman's amendment strikes out the portion of the section which I wish to perfect.

The CHAIRMAN. The gentleman from Wisconsin will send his amendment to the desk.

The Clerk read as follows:

Amendment by Mr. STAFFORD:

Page 3, line 16, strike out "may" and insert "shall." In lines 17 and 18, strike out the words "without the consent of the Secretary of the Interior."

Mr. STAFFORD. Mr. Chairman, if there is any merited criticism of this bill, it is that we lodge too much discretion in the Secretary of the Interior, and the amendment I propose seeks to take away discretion which I think could very easily be abused by the Secretary or his subordinates, to the disadvantage of the large number of consumers of hydroelectricity. I can not conceive of a case where we should allow the Secretary to permit a contract to be entered into whereby more than 50 per cent of the hydroelectricity generated might be disposed of to any one consumer.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. THOMSON of Illinois. Can not the gentleman conceive of a case where about the only consumer that is available in a community near a water-power site is a town or city? Now, some one takes that water power, finances it and develops it, and they ought to have the right to sell all of its power to that municipality.

Mr. STAFFORD. That objection does not lie to the amendment I offer, for the reason that there is a provision in this bill permitting municipalities to generate their own power; and even in the case the gentleman cites it would be far better not to allow the generated power to be contracted for by the municipality alone, but compel the company to have some reserve surplus power that may be distributed through competition for the benefit of other users.

In section 7 it shows the real effect of the provision, because there authority is given to the Secretary to lengthen the contract beyond the original leasing period of 50 years. You may authorize him to enter into a contract for 100 years, and saddle on the users, or those seeking this power, a condition whereby they will be unable to obtain necessary power. I believe that these private companies should not be permitted to sell all their power to one concern, but by this provision you are vesting in the Secretary of the Interior full authority to contract with one person for all the power generated, on the idea that there is but one who will want to use it, when others may want the power, or later new parties may need it and can not obtain it. That will be a monopoly in the hands of this one person, sanctified by a contract executed by the Secretary of the Interior, and perhaps lengthened beyond the original leasing period of 50 years, and perhaps in perpetuity. It will be saddled on the community and on the users in that neighborhood for long years thereafter without any chance for power from the lessee. Although this merely provides in this section for a lease for 50 years, nevertheless by section 7 you authorize a contract beyond a 50-year period, and wherever such is authorized you are binding all persons, present or in the future, who may need power with this exclusive contract from which they can not gain relief—that is monopoly carried to an extreme degree.

Take the Hydroelectric Co. of Canada. They are not disposing of that great power to any one company. They are seeking new users and new municipalities, and the various localities are getting the benefit of it. But here you would hamstring the localities and new manufacturers who would come into the territory after the power is developed by their not being able to get any power at all. Such a possible condition should not be permitted to arise.

Mr. THOMSON of Illinois. Mr. Chairman, the gentleman from Wisconsin has proposed an amendment to section 2, but has addressed most of his argument to section 7. It seems to me they are separate propositions. I hope the amendment suggested by him to section 2 will not be adopted. Because the section as drawn does not fit some particular case which the gentleman has in mind he thinks the section is not properly drawn. If the amendment which he suggests is adopted, it is very easy to think of a number of cases wherein the object of the bill would not be carried out. It might well be that there would be a water-power site capable of developing, say, 20,000 horsepower, near a city or prosperous town that was anxious to get electricity up to that amount for lighting purposes or street-car purposes or domestic purposes. It might be that the only chance of getting it would be through this water-power site. It might be that under the laws of their State or the provisions of their charter that they would not have the power or right as a municipality to go into the business of developing water power and manufacturing electricity even for their own use. Now, in such an instance as that a city must depend upon some individual or association or corporation to finance and undertake to develop that site and sell the power to the city under proper regulations controlled, possibly, by a commission of the State.

I the amendment of the gentleman from Wisconsin should be adopted, it would mean that this company could not sell more than 50 per cent of the generated power to that municipality. There might not be any other user within such a distance as would make it economical or profitable to transmit the power which the company developed, and that would simply mean that this section would force that company to finance and develop a proposition under a 50 per cent income basis.

Mr. STAFFORD. Will the gentleman yield?

Mr. THOMSON of Illinois. Certainly.

Mr. STAFFORD. Take the supposititious case which the gentleman suggests. If there happened to be manufacturing concerns in that community, there would be no power for them if they wanted it. I am trying to protect the small producer rather than to have a monopoly.

Mr. THOMSON of Illinois. The gentleman proposes to take the case that I suppose, and then he does not take it. My case is where the only customer is the municipality. But take the case which the gentleman suggests, and in addition to the municipality there are other customers. In that case the section as originally drawn fits it exactly, and, in the discretion of the Secretary, there may be a provision that the company shall not be allowed to sell more than 50 per cent to one company or individual. Unless there is that discretionary power vested in the Secretary of the Interior, it is impossible to fit that kind of a proposition to these individual cases—in one instance to one sort of a case and in another instance to another sort of a case. In all those cases where there is only one possible consumer, such as a municipality in a Western State, the amendment proposed by the gentleman would defeat the object of the bill so far as giving the municipality power is concerned. In those cases where there are other consumers, the authority ought to be left in the bill so as to insure the small consumer getting the power.

Mr. STAFFORD. It would not defeat it as far as 50 per cent is concerned, and they would have the other 50 per cent to distribute to other manufacturing concerns in those localities.

Mr. THOMSON of Illinois. Mr. Chairman, the gentleman seems to be utterly unable to consider a supposititious case. In the case that I have indicated the other 50 per cent would have to go to waste, because it would be limited to 50 per cent to one consumer—the only consumer in the field.

In all cases where there are several consumers or applicants for the electricity generated, the Secretary should, and doubtless would, bring into action the authority given him under the wording of this section, as submitted to the House by the committee, to the end that no consumer would be shut out, but that every applicant for electricity would be assured of getting it. This section was drafted by the committee to prevent monopoly, and there can be no doubt that it would have that effect if enacted into law.

Mr. MANN. Mr. Chairman, I never have seen the time when some one could not make a very ingenious argument in favor of monopoly, but I am rather surprised that my friend from Illinois [Mr. THOMSON] should make an argument in favor of monopoly. Of course, there is only one consumer anywhere, if you start in with the theory that you are going to have only one consumer; but there is not a place in the United States anywhere where there is not more than one actual consumer of electric power. The bill provides that no more than 50 per cent of the power created shall be sold to one consumer unless the Secretary of the Interior, as a matter of favoritism, gives that

permission. I do not think the Secretary of the Interior ought to have the right to determine, as a matter of favoritism, that he will let any producing company sell more than 50 per cent of its production to one person.

The only way that you can have competition is by competition, and the only way you can have real control of the price is by some sort of competition. If the producing company sells 50 per cent of its power to one concern, it has competition. If it sells the entire 100 per cent to one concern, nobody will be asking to regulate the rates, no question will be raised about the rates, for the consumer of the power who has the monopoly of the power produced will not ask to have any regulation of the rates. They have agreed upon that, and the provision in the bill giving the Secretary of the Interior the power to regulate the charges absolutely falls, so far as any effect is concerned, when you let the producer sell all of the power to one consumer. It is nonsense to say that you will not have more than one consumer. The purpose of creating this power is to furnish it to consumers in the neighborhood. My friend and colleague, whom I greatly respect, suggests a supposititious case, where there is a municipal corporation that wants to buy all of the power. That is just it. We do not want it so fixed that even a municipal corporation can buy all of the power and charge what it pleases. The power ought to be created principally for the benefit of real consumers, people who are engaged in manufacturing as well as other businesses.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. THOMSON of Illinois. There are other provisions in the bill, are there not, that would regulate the charges that a municipality would make, and would insure their reasonableness?

Mr. MANN. There are not, and there can not be.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. RAKER. Is it the gentleman's view of the bill that if the Secretary of the Interior grants a right of way over a public land his fixing of conditions in the lease would override the State law where the public utilities commission fixes the price at which they must sell their output to the consumer?

Mr. MANN. I think it would, and the bill says so as it stands. I am not going to enter into a constitutional argument during the remainder of my five minutes on the question of whether when we grant a power on an Indian reservation, where our only right is the right over the reservation, and the line is extended across a straight line, under the terms of this bill we regulate the charges and cut out the State or whether the State regulates the charges. I hope that will be corrected in the bill before it passes, but it is in the bill now.

Mr. RAKER. Take the case I suggested. It is all within one State. The Secretary of the Interior gives a lease for certain lands. He fixes certain conditions. Unquestionably under this bill the State utilities commission would fix the charge that this corporation or individual will furnish its power to the consumer for, would it not?

Mr. MANN. Yes; but if there is only one consumer nobody will ask to have the charge fixed. That is the point I am making. If a producing company sells all of its power to one consumer, that is a matter of contract between the producing company and the consumer, and nobody calls it to the attention of the Interior Department. Nobody is interested in it, and the Interior Department, like other departments, seldom acts upon these matters until its attention has been called to them by other parties who are interested.

Mr. RAKER. That is true.

Mr. MANN. But if you have competition, then there are other people interested, and that is the reason, I think, there ought to be enforced competition. Therefore I favor the amendment. I do not believe this House ought to create a monopoly, as this would do.

Mr. FERRIS. Mr. Chairman, I do not think the question of monopoly plays such a rampant part as has been indicated here, and I personally do not think any part of the gentleman's amendment ought to be adopted. I think it ought not to be adopted for the good, sufficient, and sane reason offered by my colleague on the committee, the gentleman from Illinois [Mr. THOMSON]. Undoubtedly the Secretary ought to have the authority to keep the power company from selling all of the power to one concern, to the detriment of others, but at the same time the Secretary of the Interior ought to have the power to permit the power company to sell 55 per cent or 60 per cent or a hundred per cent to a concern, if there were no other demand for the power and the public interests required it. Suppose that in a given community 100,000 horsepower were generated at a given dam. Suppose a city or a municipality was the main market for that power, and that it would require 60 per cent of that power to light the city. Suppose 30 per cent only were required for carrying on irrigation and the necessities of the local community. Does anyone really think in all such cases Congress should be troubled with special bills. Such cases are entirely probable, such cases will surely arise, and the first thing they will be compelled to do is to run to Congress and secure legislation that ought to be included here.

Suppose the city needed, as I said, 55 per cent of the power generated at a given dam. Suppose there was no market at all for the rest of it. Congress would be confronted with a special bill authorizing the Secretary of the Interior to sell to that city, or rather, authorizing the power company to sell to that city 55 per cent of the power, while the rest is going to waste. I think if we want to add anything that would really affect monopoly you might incorporate in section 2 that the Secretary shall do so only when the public interest would be subserved thereby. I find that some such suggestion was made in the hearings by Mr. Pinchot, although he thought that 50 per cent was a good one. On page 140 of the hearings, if you have them before you, you will find the following:

Mr. PINCHOT. I have no definite suggestion to make, but I think it ought to be considered, because they are frequently in a position to discriminate between consumers, and often do, especially between large and small consumers—and often with good reason; sometimes, also, without good reason—and it might be practicable to make that clause read, "regulation and control of service and charges for service to consumers without unfair discrimination."

Now, there would be a reason for the incorporation of such an amendment as that, and that would undoubtedly take care of any suggestion, even the one the gentleman from Illinois [Mr. MANN] makes, and to put the Secretary in a position where he could not permit the power company to sell 51 or 55 per cent would be an unworkable proposition and would bring in a lot of special bills, and it would be a just criticism against the workability of the bill and really would not accomplish anything good for anybody.

Mr. MILLER. Will the gentleman yield for a question?

Mr. FERRIS. If the gentleman will permit me to read further from the hearings:

The CHAIRMAN. There is a little attempt to do that in line 20, you will observe, Mr. Pinchot, in the preceding section 2, inasmuch as we did limit it to not more than 50 per cent of the total output.

Mr. THOMSON. Will not the whole situation be comprehended in the wording, "regulation and control of service"?

Mr. PINCHOT. Yes; I think so. I merely wanted to bring the thought up. I am not clear that it ought to go in.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FERRIS. I do.

Mr. JOHNSON of Washington. Do I understand that is by Mr. Pinchot?

Mr. FERRIS. It is.

Mr. JOHNSON of Washington. Is it Mr. Pinchot of Pennsylvania, or Long Island, N. Y., or Washington?

Mr. FERRIS. I think the gentleman perhaps knows better where Mr. Pinchot lives than I do.

Mr. JOHNSON of Washington. I simply want to say if he conserves electric energy as well as he conserved the forest reserves of the State of Washington, he will put us all in bondage for a thousand years without a wheel turning.

Mr. FERRIS. I know my good friend from Washington does not agree with the policy of Mr. Pinchot relative to the Forestry Service. This is not a question as to whether the Forestry Service should be maintained and kept going as Mr. Pinchot wants it to be, neither is it a question of destroying the forest reserves, as the gentleman wants to; but, on the contrary, it is a question of trying to develop the water power in the West. Let me say to the gentleman from Washington, so far as I am concerned, any odium that comes on Mr. Pinchot at his hands, or to any other man of any party who has given such careful, painstaking thought to this question, shall not deter me from carefully gathering information from him where it is helpful. Mr. Pinchot has given patriotic attention to this question. His views are generally pretty well received in this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to proceed for a minute in order to answer a question by the gentleman from Minnesota.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. MILLER. As I understand, from provisions of the bill elsewhere than in this first paragraph, the Secretary of the Interior is to be clothed with power to make rules and regulations incident to the lease, sale, and so forth, of the power generated by these projects?

Mr. FERRIS. That is true; but he is given that power in the first section.

Mr. MILLER. If that be true, what additional power does he receive from the last part here, where it says he "may" do so and so?

Mr. FERRIS. I assume they are working under rules and regulations. I do not believe that is vital, but I will say that the irrigation people out in the West and one of the Senators from the West thought there ought to be a positive limitation against the selling of all of the power produced to one concern, and that was incorporated in the bill at their suggestion. If you force the Secretary to do an arbitrary, harsh thing, and if, as a matter of fact, the irrigationists needed 35 per cent of the power or the city or municipality needs 55 or 65 per cent, it would bring back on us a lot of special bills that this House is overridden with now. We of the committee thought we ought to make it emphatic that the Secretary should have a little discretion whether he should or should not allow the 50 per cent, or rather more than 50 per cent, to be sold to one concern. It is impossible to escape giving the administrative authority some discretion, some laxity; otherwise we have a bill that looks good, but is ponderous and not workable. We want the rights of the public carefully preserved, but we want a razor that will shave also.

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and the Chairman announced the ayes seems to have it.

Upon a division (demanded by Mr. FERRIS) there were—ayes 17, noes 12.

So the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, my amendment proposes to strike out all of section 2, after the word "conditions," in line 16, and I am quite sure that the gentleman on the other side not approving the amendment that has just been adopted will vote to strike out that part of the section. This discretion attempted to be lodged with the Secretary of the Interior would very likely be abused. What is there sacred about the division in half? If the company should not be allowed to sell over 50 per cent to one consumer, why should it be allowed to sell either 40 per cent or 35 per cent or 49 per cent or 47½ per cent to any one consumer? The fact is that under the laws of a number of States there are preferences in the matter of water diversion, and the highest preference is for the use of water for domestic and municipal purposes or for the development of power to be used for domestic and municipal purposes, and if a water right were granted purely for domestic or municipal purposes or for the development of power to be used by municipalities, the Secretary of the Interior clearly could not be given the right to say that the power should not be used for that purpose.

But if some one should desire to build a great plant in the mountains, far from any other present demand for water power, for the purpose of extracting nitrogen from the atmosphere, they could not do so under this provision unless they could get the Secretary of the Interior to let them use their own water power for the purposes for which they developed it.

Out yonder in the West we have a great deal of phosphate rock. and we hope to have water-power development for the purpose of manufacturing this rock for use as fertilizer. If the company or individual developing it could not use all of its water power for that purpose, they probably would never undertake the enterprise.

But the most objectionable part of this whole matter is that it proposes and lays down a rule of law under which it would preclude a public-service commission from compelling the sale of power to a number of users. You fix the sacred amount of 50 per cent and you have given the Secretary of the Interior authority beyond that amount, and by so doing you have fixed the right in the power company without regard to any powers of public-utility commissions. You give the corporation the right to sell at least 50 per cent to one consumer without regard to other demands in the community. One great objection to it is that we have not the power to do it. The other is that we ought not to do it if we had the power. These matters are entirely under the control of public-service commissions. They have the right not only to fix the rate but to make rules with regard to the utilization of the current, and yet we propose first to say that the commission shall have no authority up to 50 per cent, and beyond that the authority shall rest with the Secretary of the Interior down here, and the State public-utility commission shall have nothing to say about it.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. THOMSON of Illinois. Mr. Chairman, I know, at least so far as I am concerned, that the gentleman was incorrect in his first supposition, namely, that having voted against the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] we were now all prepared—those of us who opposed that amendment—to support his amendment. I believe the proposition involved in the amendment offered by the gentleman from Wisconsin was not a good thing. I believe that that which is involved in the amendment offered by the gentleman from Wyoming [Mr. MONDELL] is worse, for if that amendment were to prevail it would then certainly mean that a concern could develop a water-power site and sell all of its power to one consumer or not as it chose—as far as this bill is concerned at least—unless there might be some rule or regulation of a State commission, or something of that kind, that could reach the case. That might be true in some States and might not be true in other States. I believe there should be some proposition in this bill along the lines of this section. If it must be a mandatory one, such as provided by the amendment offered by the gentleman from Wisconsin, I would rather have it than to have nothing in there at all. It seems to me it would have been much better to have permitted the Secretary of the Interior to regulate this proposition as the facts of each case might demand. It seems to me there is too much fear being expressed here about lodging too much power in the hands of the Secretary of the Interior. Right along that line I would like to call the attention of the committee to some testimony that was given before our Committee on Public Lands, and to a remark made by Mr. Pinchot.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. THOMSON of Illinois. Yes.

Mr. JOHNSON of Washington. Is this Mr. Pinchot, of Pennsylvania, New York, or where?

Mr. THOMSON of Illinois. I decline to yield further. The gentleman knows very well to whom I am referring.

Mr. MURDOCK. Of the United States of America.

Mr. JOHNSON of Washington. Of the United States of America? I did not hear distinctly. Is it Amos or Gifford?

Mr. BRYAN. You will meet him over in the Senate after March 4.

The CHAIRMAN (Mr. HAY). The gentleman from Illinois declines to yield further.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-nine gentlemen are present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken	Dixon	Howard	Metz
Ainey	Dooling	Hoxworth	Montague
Anthony	Driscoll	Hughes, Ga.	Moon
Aswell	Dunn	Hughes, W. Va.	Moore
Austin	Eagle	Hulings	Morgan, La.
Baker	Edwards	Igoe	Morin
Baltz	Elder	Johnson, S. C.	Mott
Barchfeld	Esch	Jones	Murray, Okla.
Bartholdt	Estopinal	Kahn	Neeley, Kans.
Bartlett	Fairchild	Keister	Neely, W. Va.
Beall, Tex.	Faison	Kennedy, R. I.	Nelson
Bell, Ga.	Fields	Kent	Oglesby
Borland	Finley	Key, Ohio	O'Leary
Broussard	Flood, Va.	Kinkead, N. J.	O'Shaunessy
Browne, Wis.	Fordney	Kirkpatrick	Padgett
Browning	Foster	Knowland, J. R.	Palmer
Brumbaugh	Francis	Konop	Parker
Bulkley	Frear	Kreider	Patton, Pa.
Burke, Pa.	Gard	Lafferty	Payne
Butler	Gardner	Langham	Peters
Byrnes, S. C.	George	Langley	Peterson
Callaway	Gerry	Lazaro	Phelan
Campbell	Gill	Lee, Ga.	Platt
Cantor	Gillett	L'Engle	Plumley
Carlin	Gittins	Lenroot	Porter
Carr	Glass	Lesher	Post
Casey	Godwin, N. C.	Levy	Powers
Chandler, N. Y.	Goeke	Lewis, Pa.	Ragsdale
Church	Goldfogle	Lindbergh	Rainey
Clark, Fla.	Graham, Ill.	Lindquist	Reilly, Conn.
Collier	Graham, Pa.	Linthicum	Riordan
Connolly, Iowa	Griest	McAndrews	Roberts, Mass.
Conry	Griffin	McClellan	Rothermel
Covington	Guernsey	McGillicuddy	Rubey
Cramton	Hamill	McGuire, Okla.	Rupley
Crisp	Hamilton, Mich.	McKenzie	Sabath
Crosser	Hamilton, N. Y.	Madden	Saunders
Dale	Hardwick	Mahan	Sherley
Danforth	Harris	Maher	Sherwood
Decker	Hayes	Manahan	Shreve
Dickinson	Henry	Martin	Sinnott
Dies	Hobson	Merritt	Slemp

Small	Stephens, Tex.	Vollmer	Whaley
Smith, Md.	Stringer	Walker	Whitacre
Smith, Saml. W.	Switzer	Wallin	White
Smith, N. Y.	Talbott, Md.	Walsh	Willis
Steenerson	Townsend	Walters	Winslow
Stephens, Miss.	Treadway	Watkins	Woodruff
Stephens, Nebr.	Underhill	Weaver	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, and finding itself without a quorum, he had caused the roll to be called, whereupon 236 Members answered to their names, and he presented a list of absentees for printing in the RECORD and Journal.

The SPEAKER. A quorum is present. The committee will resume its sitting.

The committee resumed its session.

The CHAIRMAN. The gentleman from Illinois [Mr. THOMSON] is recognized.

Mr. THOMSON of Illinois. Mr. Chairman, when my friend from Washington [Mr. JOHNSON] made the point of no quorum I was about to quote a remark made by Mr. Pinchot in the hearings on this bill had before the Committee on the Public Lands. I presume my friend from Washington felt that the views of Mr. Pinchot on a subject of this kind were of such importance that they should be heard not only by him and others in the House at that time but also by as many as could be brought into the House by a roll call, and therefore he raised the point of no quorum.

Mr. Chairman, the remark that I wished to quote referred to the question of giving power to an executive officer. A great deal has been said in the debate back and forth upon the amendments to this bill to the effect that we are giving the Secretary of the Interior too much power. On that question Mr. Pinchot says:

> You can never give an executive officer authority to do good work without giving him at the same time enough power to do bad work.

If the authority that we propose to give to an executive official is going to put enough power in his hands to make it possible to do bad work, I think that fact in and of itself is no argument that we should not give him that authority where it is essential that he should have it if he is going to be put in a position where he can do good work; and I think, with reference to the subject matter of section 2, to which the pending amendment relates, that it is essential to give the authority which that section purported to give the Secretary of the Interior in its original form.

Now, the amendment pending, offered by the gentleman from Wyoming [Mr. MONDELL], would strike out of section 2 everything after the word "conditions," in line 16, page 3; and, if you do that, it simply means that, so far as Federal regulation is concerned, a company that develops a water-power site and sells power will have the right and authority to sell all of the power which it generates to one consumer, and it should not have the opportunity of doing anything of that sort, except in proper cases, where it will result in no harm to any other consumer or applicant for the electricity.

There may be instances where it would be perfectly proper for the company to sell all the power which it generates to one consumer. There may also be instances where the lessee should have no such right, in spite of what my colleague from Illinois [Mr. MANN] says. And, by the way, I am sorry that my colleague stated that I was speaking for monopoly. I was not, and I am sure that he does not believe that I was. I think what he meant to say was that the language I was contending for in section 2, and which I have alleged would operate against monopoly, would, in his judgment, have the opposite effect and operate for monopoly. It is simply a difference in the views we entertain as to the effect of the language. My contention is that it would operate against monopoly.

The amendment which has been adopted, and which was offered by the gentleman from Wisconsin [Mr. STAFFORD] makes it mandatory that in every lease issued under this bill there shall be a provision inserted to the effect that the lessee shall at no time contract for the delivery to any one consumer of electrical energy in excess of 50 per cent of the total output.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. THOMSON of Illinois. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. THOMSON] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. THOMSON of Illinois. Now, that amendment, which was suggested by the gentleman from Wisconsin [Mr. STAFFORD] and which has been adopted, will simply mean this: Where there is a municipality in the vicinity of a water-power site that wants to avail itself of the power, and where there are, let us say, other possible consumers, consisting of different manufacturing concerns, and where the municipality would like to get 75 per cent of the power and could use that much, and where these four manufacturing concerns only wish to apply for 5 per cent each, it would mean that, of the 100 per cent possible in that water-power site, 50 per cent will go to the municipality, because under the bill, as amended by the amendment of the gentleman from Wisconsin, it can get no more, and 5 per cent will go to each of the four manufacturing concerns and the other 30 per cent will go to waste; and if the company develops that power to its capacity, it will simply mean that it will sell only 70 per cent and throw away the other 30 per cent.

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. THOMSON of Illinois. Yes.

Mr. SMITH of Minnesota. I notice that in section 2 of the bill the amount of power to be sold to one concern is limited to 50 per cent, to be generated from a single plant?

Mr. THOMSON of Illinois. Yes.

Mr. SMITH of Minnesota. I notice in section 3 that provision is made for the physical combination of different plants.

Mr. THOMSON of Illinois. Yes.

Mr. SMITH of Minnesota. When you combine several plants, how are you to tell whether you sell more than 50 per cent from any particular plant?

Mr. THOMSON of Illinois. You can not; but the provision of the section to which the gentleman calls attention, for the tying in of different plants, is a purely temporary proposition, and is designed to take care of emergencies, where one plant is broken down, either in whole or in part, and where, to serve the people whom it is serving, it must have help from some plant that is near by, and must have facilities for tying in for the time being.

Mr. SMITH of Minnesota. My understanding of the theory of permitting plants to combine is to permit them to render assistance to each other all the time, so that they could take care of different classes of patrons more economically than they could if they were compelled to remain separate.

Mr. THOMSON of Illinois. My understanding of the provisions is not the same as that of the gentleman from Minnesota. I do not believe that is the intention or the effect of the section to which he calls attention. I trust the amendment which has been offered by the gentleman from Wyoming [Mr. MONDELL] will be voted down. If it is not, any lessee, under the bill, will have the right at any time to sell all of its power, or 100 per cent of its lighting facilities to some one consumer, to the exclusion of any other applicant who may wish for power or light, or apply for it, which, I think, ought not to be.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I listened with a great deal of pleasure to the quotation made by the gentleman from Illinois [Mr. THOMSON] from Mr. Gifford Pinchot, and the plea he was making that you have to give these gentlemen power to do evil in order to give them power to do good. I was wondering what was the matter with that distinguished gentleman, Mr. Pinchot, when he was at the head of the Forestry Bureau. I find that Mr. Gifford Pinchot was appointed June 21, 1898, Chief of the Bureau of Forestry, Department of the Interior, and from the time that he accepted that position and became the recognized authority upon forestry in this country until the time he went out of power after President Taft was elected the railroads of this country stole over 2,000,000 acres of the public domain; and I challenge any man upon either side of this House to point to a single word or a single sentence that Gifford Pinchot ever uttered in the way of protest against that steal. My distinguished friend from Kansas [Mr. MURDOCK] stood upon the floor of this House a few months ago and denounced that transaction of the Santa Fe Railroad and of the Northern Pacific Railroad as a steal and a public outrage; yet when it all occurred Gifford Pinchot was at the head of the Forest Service. Why did he not protest? When the Santa Fe Railroad exchanged 1,200,000 acres of land in the forest reserves in Arizona, worth by their own estimate from 15 to 25 cents an acre, and received an equal number of acres, some of it the best-timbered land in the United States to-day, worth $200 an acre, where was Gifford the Good? Where was Pinchot, that he did not see these steals and protest against them? They

have attempted to excuse him on the ground that he did not have authority. Did he have too much authority then or not enough?

Mr. THOMSON of Illinois. Not enough.

Mr. HUMPHREY of Washington. Very well. Then they moved him up and gave him more authority, after they transferred that bureau over to the Agricultural Department. They transferred it over to the Agricultural Department in 1905. They increased the power of the distinguished Mr. Pinchot. Then what occurred? Then he no longer kept silent, but actively assisted the railroads to secure the timbered lands of the United States. The Northern Pacific Railroad out in Montana had 240,000 acres of practically worthless land; it was included in a forest reserve, with Mr. Pinchot's help, and with his assistance that worthless land was exchanged for an equal number of acres, some of it the best timbered land yet remaining on the public domain. Some of this land was in my own State. Did he not have power enough then? How much more power do you want to give these bureau chiefs? He did not have power enough to open his mouth and tell the public of these gigantic frauds. Why did he not protest? I am getting a little bit weary of constantly parading this great patriot here before this House as somebody whose advice is to be followed above all others upon any subject under the sun, at least until some friend of his can stand upon the floor of this House and explain his transactions. Nobody denies these steals. Everybody in the United States knows that this was a fraud upon the Government, the worst in our history. Nobody will deny that during the time that Mr. Pinchot was at the head of the Forestry Service more of the forest land was stolen in this country by the railroads than in all the rest of the years in our history combined. Now let some man stand up here and put his finger upon some protest that Gifford Pinchot made against that steal by the railroads. It was his duty to speak. He was in office. He kept silent; and a man who will not speak when it is his duty to speak is just as guilty as if he helped to assist in the transaction. During the time that Mr. Pinchot was connected with the Forest Service, when he was the one man that the public was lead to believe was protecting the forests upon the public domain, the railroads practically stole more than 2,000,000 acres, without one word of protest from Mr. Pinchot, who then, as now, posed as the special, self-appointed guardian of the people. Why did he keep silent? Other officials protested vigorously. Why did he say nothing? Having kept silent then, when an official, why does he have so much to say now, when a private citizen?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment at the expiration of 7 minutes, 5 minutes of which will go to the gentleman from Washington [Mr. BRYAN].

Mr. JOHNSON of Washington. I should like five minutes.

The CHAIRMAN. The pending amendment is to strike out the last word.

Mr. FERRIS. I take it that that is withdrawn, and the real amendment is the amendment of the gentleman from Wyoming [Mr. MONDELL]. On that I ask unanimous consent to close debate in 20 minutes, 5 minutes of which will be controlled by the gentleman from Washington [Mr. BRYAN], 5 minutes by the gentleman from Washington [Mr. JOHNSON]——

Mr. MILLER. Mr. Chairman, I intended to offer the exact amendment that the gentleman from Wyoming [Mr. MONDELL] offered, and upon that I desire to address myself.

Mr. MONDELL. The gentleman need not reserve any time for me. I do not desire any time. [Applause.]

Mr. MILLER. We might as well discuss these things here now.

Mr. FERRIS. How much time does the gentleman require?

Mr. MILLER. I presume I shall need 15 minutes.

Mr. FERRIS. I ask unanimous consent to close debate on this amendment and all amendments in 30 minutes. It has been debated an hour already.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to close debate on the section and all amendments thereto in 30 minutes. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman, nearly an hour ago, when the name of Gifford Pinchot was mentioned, my colleague from Washington, Mr. JOHNSON, gagged, and then he got up and asked a question. He did that twice; then he made the point of no quorum. The name of Mr. Pinchot seemed in some way to gag the gentleman. A few minutes after the roll call my other colleague from Washington, Mr. HUMPHREY, arose and let it be known that the name of Pinchot had gagged him also.

Mr. Pinchot or any other public man in this country who has been associated with the timber and the Forestry Service does not need defense when the gentleman from Washington, Mr. HUMPHREY, is his accuser. The gentleman from Washington, Mr. HUMPHREY, out on the stump in the State of Washington and in this House at every opportunity has defended the Ballinger plan of handling the public domain and has praised Secretary Ballinger at every opportunity. The gentleman has been a Member of this House for 12 years, while all these steals which he talks about were carried on. He ought to be the last man to talk about the particular individual who stopped him and his colleagues, who stopped these timber looters, who were among the very men in the State of Washington who were keeping my colleague here in this House by backing him in political meetings and nominating him in Republican conventions and indorsing him at every opportunity they ever had to indorse him.

Here is what my colleague, Mr. HUMPHREY, in 1910 thought about Mr. Ballinger and his land policy, who, as Secretary of the Interior, found it entirely impossible to put into operation his ideas on these questions because of the storm of public opinion against those ideas and policies:

> I believe in the integrity and the ability and the grim courage of Secretary Richard A. Ballinger. I believe he is right. I believe he is doing his duty. I believe he is fighting the battle of the great West. He is an honor to his State and to his country.

Is it any wonder he does not believe in Gifford Pinchot? Nobody ever accused Mr. Pinchot of believing in Secretary Ballinger. However, Mr. Pinchot has never assailed Mr. Ballinger's integrity, nor do I. It is unfortunate and unjust for anyone to do that. I say that a personal sense of his own dereliction ought to make him the last man to censure the men who stopped those who would loot the public domain. He did not try to stop it. A short time ago, when he was discussing this matter, I interrogated him as to whether he attempted to do anything to interfere with it by introducing any bill, but his voice was then and has been all along as silent as the grave. But now, to-day, "Hark, from the tomb there comes a doleful sound," and we hear him railing and casting out aspersions against the man who interfered with the very things that made the "good old days" of the State of Washington possible. Those things were done and the public domain was looted, as the gentleman knows, through legislative enactment. In pretty nearly every case laws passed through this House, voted for by Members from the State of Washington, sent here by the Republican Party, made possible great thefts that were committed. The gentleman from Washington, Mr. HUMPHREY, has never introduced a bill to stop it.

And so my colleague from the timber district of southwest Washington, Mr. JOHNSON, rises on the floor and his heart aches, simply aches, when he thinks of the great Indian reservation, the Quinaielt, and sees a lot of timber that has not got a Weyerhaeuser fence around it. [Laughter.] When he walks along and in his imagination sees a Weyerhaeuser fence he is happy, but when he comes to the end of the lane and casts his eyes through that splendid virgin timber of the Northwest, the most valuable in this country, held by the Government of the United States, held by the public who live in the State of Washington, then is the time that he sets up a howl, and then is the time he begins to filibuster. When these matters are forced upon his attention you hear him railing and talking of the men who have caused the reservations to be made.

The statement that Mr. Pinchot is responsible for the lieu-land selections by the railroads and the timber barons or the robbing of the public domain are as false as any statement that could possibly emanate from any gentleman on the floor of this House. It is well known that Gifford Pinchot is specially desirous of preserving the public domain, and has been called a dreamer, an eccentric, and all that kind of a thing by his enemies. Everybody knows that he has not participated in the lootings, but that he has been the barrier in the way of these men when they wanted to do the looting.

My colleague knows as well as he knows his name that he is associated politically and in every way with the very men that got that timber. He knows very well that he has never fought them, and he knows that he would not fight them now if there was any chance of their getting any more timber. [Laughter.] It is absurd and ridiculous for him to try to make capital in attacking the man who was the very foundation and source of the influence and legislation that prevented and stopped the lootings that he tries to make capital of.

Now, the gentleman from Washington, Mr. JOHNSON, came down here as editor and manager of the Home Defender, a paper that raises all kinds of war whoops about saving the flag. [Laughter and applause.] He says now he has parted with that paper.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BRYAN. Mr. Chairman, I should like three or five minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman and gentlemen, I am willing to give way to a crook, I am willing to give way to a man who is wrong, essentially wrong, and does not deny it, does not claim to be anything else, who has no subterfuge. I do not want it understood that I am applying that term to the gentleman from Washington; but I do despise a faker, a make-believe, a sham, and I do apply that to the gentleman from Washington, Mr. HUMPHREY, because his speech here is an absolute fake. Every time the subject comes up these gentlemen come in here, bitter foes of the procedure that is going on. Now, it is very strange to me that men that are known as friends of forestry do not raise any complaint against Mr. Pinchot.

These gentlemen started a legislative program against the Forest Service. The gentleman from Washington, Mr. HUMPHREY, when the Agricultural bill was up, moved to strike out the Chugach National Forest. He had already submitted a resolution for an investigation of the Forest Service, and it had gone to the State of Washington and in certain standpat papers had been widely advertised. They said he had fired "his second gun in his comprehensive attack against the Forest Service." Tremendous advertising was given in all the old Republican Ballinger papers out there. What was the result? When they reached the final vote on his motion for the elimination of this reserve, the one most criticized of all which they planned to get rid of, because it had the most valuable coal within it, he got three votes—one was the gentleman from Pennsylvania, Mr. MOORE, and the other was his colleague, Mr. JOHNSON. Three votes! That was his following, his indorsement. The gentleman from South Carolina [Mr. LEVER] insisted on a division, so as to demonstrate how many there were who would sustain or support him. That was the comprehensive attack; that was the big thing that the papers out there had advertised. He has not made another attempt to get a vote to this day.

Now, I want to call attention of the Members of the House to the fact that the remarks of my colleague will probably be flashed over the wires to the standpat papers in the State of Washington, and it will be said that Mr. HUMPHREY just chastised Mr. Pinchot to a turn on this floor, and very likely attempts will be made to make the impression that it was all done with the approval of the House. But when it comes to votes, they will get no indorsement of their propositions. I am convinced that my suggestion that this is downright faking is true and that the Members of this House believe it. [Laughter and applause.] My colleague, Mr. JOHNSON, came down here obsessed with the idea that the flag was about to be destroyed, or something of that kind.

He founded the Home Defender. He now says that he has given it away, but it is still run by the Home Defender Co., founded by him, and I understand the same agents of the gentleman are involved in the paper now as were when he brought it here originally; and if I am wrong in that I am subject to correction. Here is one of the things published in that paper in April, 1914:

> The fact is that neither I nor my associates believe in labor unions as they are generally conducted. They profit at the expense of the unorganized; they blackmail legislators and create demagogues in and out of office; they help the lazy and inefficient at the expense of the efficient and industrious, etc. But our serious objection is to their lawlessness and their attempt to raise themselves above the law and law-abiding citizens.

My colleague, Mr. HUMPHREY, condemns the Secretary of State for his blundering stupidity, and the inane President, and all that kind of thing; and as he does that, so my colleague, Mr. JOHNSON, condemns the public men. He railed about the Vice President of the United States, he railed about Jane Addams, and he railed about Secretary Bryan, and associated them all together with Bill Haywood, the I. W. W. leader.

What are we to conclude about this? Are you gentlemen going to conclude that the people of the State of Washington are in accord with that kind of ideas and those suggestions? I say they are not. Gifford Pinchot went out there recently, and he was announced to be at the Commercial Club. I was there as one of the members of the audience, and I testify to the Members of this House that the people could not get in to hear him. He had another meeting at another place, and that was crowded; and when MILES POINDEXTER ran for the United States Senate, having fought Mr. Ballinger and his ideas, and having gone to Alaska with Gifford Pinchot and associated with him in the work he was doing, MILES POINDEXTER, although he lived in the wrong part of the State at that time, geographically, nevertheless was elected by a tremendous majority, carrying all of the State except one county, as I remember it.

When Mr. Roosevelt came to ask for a vindication of his policies and ideas he won by 50,000 votes over Mr. Taft and some 20,000 votes over Mr. Wilson. So I say to the Members of this House, you are not to be misled by the fact that two of my colleagues continually hound conservation, and they do it in the meanest way in the world. The worst kind of a lie is half a lie, and when you put a half truth in it you make it a worse kind of a falsehood than it would be if it were all false. Now, then, in their attacks on the forestry conservation they say, "We believe in conservation, we believe in conservation, but we hate the Pinchot brand," and that is where they fake and practice make-believe on the floor of this House. Their attacks are inconsistent and are entirely unworthy of consideration. They do not believe what they say themselves.

Under my leave to print in the RECORD I insert the following, being some more of the article I read from in debate, giving the mission of this Home Defender, founded by my colleague, Mr. JOHNSON, and known by all who know Mr. JOHNSON very well to be the very apple of his eye. He loves the paper and is devoted to its mission:

> However, at the present time we conceive it is not a part of our propaganda to fight labor unions or unionism as such.
>
> Below them, in the lowest or next to the lowest strata of our society, is developing a spirit far more dangerous to our institutions, to our form of government, and to our industries, than the labor unions. We refer to the revolutionary socialists typified in the organization known as the I. W. W. These recruits from below, criminals who think to masquerade as workingmen without employment, and, retaining their vicious tendencies, to find opportunities to exploit them under cover of an organization and to commit crimes en masse; or from above—labor unions—the discontented, and generally worthless, who fall from the ranks.
>
> Between these revolutionary socialists and the general public are the labor unions.
>
> To destroy them would merely bring society face to face with the revolutionary socialists, whose ranks would be immensely swelled by accessions from the disrupted unions.
>
> As the especial mission of the Home Defender is to oppose revolutionary socialism, and as we seek support on that basis, we feel that we should devote our efforts primarily to that end.
>
> We have no objections to others fighting the labor unions from top to bottom and on every proposition—but that is not our job as we see it. No one gives us any support on that ground, and we feel we would be biting off considerably more than we could conveniently masticate if we attempted to buck the labor unions single handed.
>
> The Home Defender Co. has no affiliations or relations with employers or associations of employers which would guarantee us support in such an undertaking. On the contrary, should we attack the labor unions as such we would merely invite much trouble for us personally and be left to foot the bills.
>
> We are none of us men of means and have no factories to be burned or other property to be destroyed; the Home Defender is not a money-making institution, and probably never will be. Therefore, when actuated by patriotism and a desire to do good we give our time freely and make up the deficit from our private funds we feel that we are doing all that could be expected without departing from our path to attack the labor unions.
>
> We have neither the time nor the inclination nor the sinews of war for such a task.
>
> On the other hand, we have no fear of them when they are in the wrong. When they are captured and captained by the revolutionary socialists, when they violate the law, when they commit violence, or when they seek immunity from the laws which apply to other classes, we shall not hesitate to condemn them unsparingly.
>
> Personally, while not denying the right of workingmen to organize any more than employers or professional men, we are in favor of the "open shop," and if we ever acquire proper support we would like to make the Home Defender a great "open-shop" newspaper. Published at the National Capital, it would be very effective.

This article is signed by Mr. JOHNSON's close personal friend and original associate in this Washington enterprise, Mr. William Wolff Smith, secretary-treasurer of the Home Defender Co.

Under my leave to print I am inserting the following article taken from the Home Defender of April, 1914:

A LOSING FIGHT IN COLORADO—UNITED MINE WORKERS HAVE LOST OUT AND ARE HEADED STRAIGHT FOR THE ROCKS.

That outlaw schooner "United Mine Workers" is tossing about in deep water and headed straight for the rocks, says the Trinidad (Colo.) Chronicle-News. The melancholy days have come for the strikers in Colorado. The prospect of a settlement is more remote than ever. It is the beginning of the end of the battle for recognition.

The coal miners of Colorado have been idle since September 23. The courage of the once boastful leaders is waning. The rank and file of the army of strikers are growing dissatisfied. They are realizing the hopelessness of the struggle. They see no chance for victory. In other words, it is "all off" with the "cause."

The miners of the East are getting tired of supporting the hopeless industrial conflict in district No. 15. They have been taxed and assessed to that point where they feel they can no longer stand it. There is strong talk now of voting against a proposition to "dig up" heavier assessments which are a drain on the purses of the miners in these other fields.

This dissatisfaction and unrest has been growing for some time. The international organization has apparently reached that point where it

can not much longer finance the strike, and the appeals for aid are not meeting with favorable response.

The men on strike are discouraged. They are refusing now to swallow the glowing promises of union leaders who have not made good in their previous predictions. Day by day they see the coal coming out of the mines and know that their places have been taken by men who will work and who are not under the thumb of agitators and would-be leaders. They realize the outlook for success is not promising. A great majority of them would go back to work within 24 hours if they were not afraid of the "black hand" that is held over them. They would sooner be a live striker on $3 a week than lie on a slab in the morgue.

The high officials of the United Mine Workers of America are convinced that the organization has conducted a losing fight in Colorado. They know it, but will not admit it, and are whistling to keep up their courage. Vice President Frank J. Hayes knows it and discreetly keeps away from the strike zone. The men on strike know it. The people who view conditions by and large know it. The only thing left is for the union leaders to howl and scream and vilify and condemn officers of the law, pass resolutions, and send telegrams to Congressmen, and, as Gov. Ammons has said, "lie and misrepresent facts."

Under my leave to print I extend the following articles from the Home Defender of June, 1914:

WILL THE NATIONAL HOUSE OF REPRESENTATIVES YIELD TO ORGANIZED LABOR?—ORGANIZED LABOR'S SCORNFUL DEMANDS ON LEGISLATORS—SEEKS EXCLUSIVE PRIVILEGES AT HANDS OF CONGRESS THAT WOULD LEGALIZE THE "PEACEFUL PICKETING" OF THE COLORADO COAL FIELDS—EVERY MAN'S HOME HIS CASTLE WILL NO LONGER BE TRUE WHEN LABOR UNIONS ARE ABOVE THE LAW—WHAT THE UNIONS SEEK IS CLEARLY SET FORTH IN GOMPERS'S TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY—HE SEEKS TO PUT UNORGANIZED LABOR UNDER THE BAN.

Much of the time of every Congress is taken up with bills and discussions on questions relating to labor, and the time of some of the committees is largely occupied in hearing complaints made by organized labor against existing laws, and in listening to their demands that organized labor shall be taken out of the category of those called upon to obey laws as other citizens are called upon to do. At this time there is pending what is called the "omnibus trust bill." It is a bill attempting to treat with every phase of the trust problem. Eight or nine sections are called the labor sections, as they deal with some phase of the labor situation now under the various statutes.

The public generally are especially interested in the several sections intended to limit the power of courts to issue injunctions, but the limitation touches only cases wherein organized labor has an interest, so the limitations may well be said to concern labor only. Injunctive proceedings have been called into activity in labor disputes when some protection was necessary to prevent injury to the property or property rights of the applicant. Property rights include the right to do business freely and without intimidation, and the right of an individual to labor when and where and under such conditions as he might determine.

The pending bill attempts to limit the right of courts to thus come to the relief of those whose property or property rights are endangered except in certain cases. It says that "no restraining order or injunction shall prohibit any person from terminating any relation of employment, or from ceasing to perform any work, or from recommending or persuading others by peaceful means so to do, or from attending at or near a house or place where any person resides or works or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to quit work, or from ceasing to patronize or to employ any party to such dispute."

Under this vicious section a man's home will no longer be his castle. Before it and around it may gather strikers in any number, under the pretense of seeking information, and the owner or occupant of the house can get no relief, unless he resorts to the shotgun process. Another crowd may gather near his store or other place of business, and advise, urge, and, if needed, threaten those who want to buy or do business; but as long as they do not commit any act of violence they can not be interfered with by the courts. In short, the business man, the employer, the man who wants to work, is denied all relief, but the man who belongs to a labor union can molest, interfere with the rights of everybody else unchecked.

Practically, the bill puts all unorganized labor under the ban. It is not intended to act in the interest of labor as a whole, only such labor as belongs to and is governed by the rules of some union. The Sherman law was aimed at all organizations or combinations acting any way in restraint of trade. It does not single out any branch of business and make it subject to the provisions of the law, but puts all combinations that act in restraint of trade on one common footing. The Clayton bill, now pending, attempts to provide that organized labor may act in restraint of trade to its heart's content and yet be subject to no law.

In the same issue appeared the following:

DEMOCRATS BID FOR LABOR VOTE—AT LAST MOMENT THEY ARRANGE A COMPROMISE WITH GOMPERS AND MORRISON UNDER WHICH THEY HOPE TO HOLD THE VOTE OF ORGANIZED LABOR WITHOUT VOTING AWAY ENOUGH OF THE RIGHTS OF UNORGANIZED LABOR TO LOSE THEM THEIR SEATS—HOW WILL IT WORK?

As this issue of the Home Defender is going to press information comes that the Democrats in the House have agreed with Messrs. Gompers and Morrison on a clause in the antitrust act, which is drawn to give the labor unions exemption from the laws without boldly saying as much. The compromise will suit no one, for if it confers immunity on the labor leaders for dynamiting, insurrection, and anarchy, or the plotting of the same, it will be opposed by every right-minded man; while if it fails to confer such immunity it will mean nothing to the agitators who have sought such exemption. Nothing in the law now prevents such organizations from "carrying out the legitimate objects thereof." What they are after is permission to carry out "illegitimate" objects. However, the compromise is as follows:

"That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations, instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof, and such organizations, orders, or associations, or the members thereof, shall not be construed or held to be illegal combinations in restraint of trade under the antitrust laws."

In further extension of my remarks I insert the headlines which preceded an article in the April issue of the Home Defender, and the gentleman from Washington, Mr. JOHNSON, asserts that these are the people he really founded this paper to get at and to defend the homes of the country from them. Here are the headlines:

I. W. W. raids on churches and anarchistic demonstration in New York originated in the Ferrer School of Anarchy, with the approval of Haywood and Goldman—Revolutionary leaders have seized the opportunity to dramatize discontent with the hope of repeating the Haymarket riots—Mayor Mitchel's passiveness condemned by one of his own men.

Now, I want further to insert a portion of a speech made by my colleague in Congress on April 28, 1913, in which he mentions Vice President Marshall, "Old Hoss" Wayland, Victor Berger, Theodore Roosevelt, Bill Haywood, "the food poisoner" Ettor, and Jane Addams as coworkers, but as, in reality, retarding brotherhood.

I am inserting these articles just to show the membership of this House and the readers of the RECORD that the fact of my colleague gagging when the name of Pinchot is mentioned does not necessarily prove anything.

I hope that the United States will soon return to a tariff wall—a reasonable, rational, expert tariff wall—high enough to guarantee protection, and then I hope that we will reenforce that wall with another protective wall against undesirable immigration.

With the first wall you protect the man who invests his capital, makes the goods, or grows the product, and provides the American standard of living. With the other wall, you protect the man who is on the job—you take care of the foreigners who are here, and you cut down the influx of undesirables from the south of Europe, against whom we have "conserved" all that we used to offer freely to the people from the north of Europe.

Why are we surprised that they begin to hate this country before they can find any reason to love it? Is it any wonder that these serf-born hordes quickly become the dupes and disciples of such vicious agitators as Bill Haywood and his platform of the Industrial Workers of the World—"no concern as to questions of right and wrong; no terms with employers; destruction and bloody revolution"? It will take not only our tariff wall and an immigration wall, but a penitentiary wall to stop this kind of treason.

Why are we surprised? How can we be surprised at the red-flag movement when Vice President Marshall, in an address at New York, undertakes to warn the rich, and only succeeds in striking a note that gives the socialists more sympathy than they have had since their prophet "Old Hoss" Wayland, of the Appeal to Reason, ran afoul of the Mann law and committed suicide, and more good cheer than they ever enjoyed since their disciple, Victor Berger, left Congress and expatriated himself in their eyes by purchasing an upholstered mahogany-finished motor boat.

Roosevelt did not stand at Armageddon. He stood at Chicago and preached near-socialism, almost revolution, contempt for law, and doctrines that lead to destruction.

Haywood waves the red flag at Paterson, N. J., and preaches anarchy and sabotage. Ettor advises the striking waiters to poison the food of the rich. Jane Addams wants pensions for everybody. All are preaching the universal brotherhood of man. All have different motives. In trying to save the country they are doing much to destroy it. They are teaching employees to actually hate those who employ them. They seem to have forgotten that the universal brotherhood must include the 900,000,000 people of China, Japan, and India. In this great progressive wave, will these seething hordes come up to our level or will our 100,000,000 drop to theirs, and when?

My friend, Mr. SISSON, of Mississippi, sees the peril, as his address of this forenoon clearly shows. He speaks his convictions, but I dare, in my weak and humble way, to warn not only the gentleman from Mississippi, but the honorable the Vice President of the United States and the honorable the President of the United States—who by coming on this floor has expressed a desire to take part in this debate—that every time an industry of this country is slaughtered or an American citizen is made to compete with a 9-cent Japanese, that sad day is hastened, for, my friends, the great international brotherhood with its international red flag, with its fatherless and churchless children, with its collectivism and its 57 varieties of impossible dreams, will drag us down ten thousand degrees before it can lift us one tittle. For your attention, I thank you, gentlemen. [Loud applause.]

STATEMENT AMENDED.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to amend the statement of mine in the RECORD of yesterday's proceedings, in the closing of the tariff debate. In the crush attendant on the closing of the tariff debate last night I seem to have permitted a lapsus linguæ, or more strictly speaking a "lapsus pencillbus." I spoke of the noble and generous Jane Addams as desiring pensions for all persons. I meant, instead, to refer to the Member from Pennsylvania [Mr. KELLY], who only yesterday introduced a bill to provide old-age pensions of $10 each for all persons over 65 years.

It was not my desire to criticize either Miss Addams or the gentleman from Pennsylvania [Mr. KELLY], but to show that they, in connection with Vice President MARSHALL; former President Roosevelt; the Industrial Workers of the World leader, Bill Haywood; and the food poisoner, Ettor, are all striving—each with different motives—for the great brotherhood of man, but each one setting back this movement thousands of degrees.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, a few moments ago when the attendance in the Committee of the Whole, which is considering a bill that is most vital in its importance, and concerning which there is much doubt as to what it will produce for the 11 Western States, was under consideration

by paragraphs, the attendance having run down to about 20, I made the point of order of no quorum. As is almost invariably the case when conservationists get together, efforts were made to back up this or that statement by reading from the hearing certain statements of Mr. Gifford Pinchot, whose residence, I believe, is now claimed to be in the State of Pennsylvania. Out West we have had a great deal of hardship and suffering as a result of statements and theories and dream-book observations by Mr. Pinchot. A few days ago reference was made to a conservation congress held in the city of Washington, and as reference was made to that and some quotations from Mr. Pinchot given, I could not help but think that the situation in that conservation congress last winter was the same as in the Halls of Congress here to-day. In that conservation congress, when they were undertaking to pass some water-power resolutions—which, by the way, did not pass—there were present as delegates from the District of Columbia 162 men, from the State of Washington 10 men, from Oregon 8 men, from New Jersey 60 or 70 men, and from New York 120, or something like that. They adopted resolutions telling what future generations shall do with what had been given to our Western States. Almost the same thing is happening here in the discussion of these four so-called conservation bills, for as soon as you get through with this one you will have the ore-leasing bill. I am absolutely astonished and surprised at the attitude of some western Representatives—some of whom were pioneers in those Western States and have helped to build up those States with what was given them in their enabling acts, and under which they urged and invited people to go west and settle with them.

But, Mr. Chairman, since so many are so prone to quote at every opportunity the words of that "great god bud," Gifford Pinchot, I want in opposition to read a few lines from resolutions adopted unanimously by the Third Annual Conference of Western Governors, held in the city of Denver on April 7, 8, 9, 10, and 11 of this year, as follows:

WHAT THE WEST WANTS.

[Resolutions adopted unanimously by the Third Annual Conference of Western Governors held in Denver, Colo., April 7 to 11, 1914.]

We, the members of the western governors' conference, in convention assembled at Denver, Colo., April 7, 8, 9, 10, and 11, 1914, do hereby adopt the following resolutions:

CONSERVATION.

We believe in conservation—in sane conservation. We believe that the All-Wise Creator placed the vast resources of this Nation here for the use and benefit of all the people—generations past, present, and future—and while we believe due consideration and protection should be given to the rights of those who come hereafter, we insist that the people of this day and age should be given every reasonable opportunity to develop our wonderful resources and put them to a beneficial use.

STATE CONTROL.

That it is the duty of each and every State to adopt such laws as will make for true conservation of our resources, prevent monopoly, and render the greatest good to the greatest number; and that as rapidly as the States prepare themselves to carry out such a policy of conservation the Federal Government should withdraw its supervision and turn the work over to the States.

Does anyone contend for a moment that any of these so-called conservation bills contemplate at any time turning any of these resources back to our Western States? And a little farther on these resolutions read:

WATER POWER.

Whereas Congress has declared "the water of all lakes, rivers, and other sources of water supply, upon the public lands and not navigable, shall remain and be held free from the appropriation and use of the public for irrigation, mining, and manufacturing purposes," we insist the Federal Government has no lawful authority to exercise control over the water of a State through ownership of public lands.

We maintain the waters of a State belong to the people of the State, and that the States should be left free to develop water-power possibilities and should receive fully the revenues and other benefits derived from such development.

Mr. Chairman, I have thought that the least that this Congress could do in the interest of 11 great Western States was to pay a little bit of attention to these bills as they are being put through. I have three times made the point of order of no quorum when the attendance had gotten down to a pitiful degree of smallness. I know what will happen when the final vote comes. Members will come in here and vote for one more bill to press more conservation down on the West, and they will not know the details of the bill.

In regard to the remarks of my colleague in his political speech, just made, I have not the time and do not care to take up the time of the House in reply. It is but proper for me to say that I started—and I am very proud of the fact that I did start—a small monthly paper, devoted to attacking the principles of red-flag socialism and to opposition to the dangerous Industrial Workers of the World. So far as I edited that paper, I stand by every word that I put in it. I wish I had had the power, the time, and the means to extend its influence throughout the United States, but I found on coming here to Washington, D. C., that the expenses were such that I could not maintain the paper, and I disposed of it. What has appeared in it since should not be credited to me. What has been read here I did not write and did not say. I thank the committee for its attention.

Mr. BRYAN. Will the gentleman name the date of his disposal of the paper?

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MILLER. Mr. Chairman, returning now for a moment to the bill and the particular amendment we ought to be considering, you will find that the amendment offered by the gentleman from Wyoming is to strike out of paragraph 2 that part under which the lessee may be prohibited, without the consent of the Secretary of the Interior, from selling to any one consumer more than 50 per cent of the total output of his plant.

A few days ago, when this bill was first up for consideration, I made some observations with respect to the legal aspect of some features of the bill. I stated what I had every reason to believe was the law—at least it was the law when last I took occasion to ascertain the law. The gentleman from Oklahoma [Mr. FERRIS], in charge of the bill, a most delightful and distinguished Member of the House, rose and with a superbly majestic wave of his hand disposed of my proposition and my statement by saying that it was made so much waste paper by a very late decision of the Supreme Court in the Chandler-Dunbar case. Now, Mr. Chairman, it does not matter how gentlemen may quibble, how they may long to effectuate their desires, the fact remains that almost every paragraph of this bill is absolutely in open defiance of the Constitution of the United States. Now, these provisions can be so changed as to make them in harmony with the powers of Congress, but until so changed the bill can never be made effective. This particular part of the paragraph which the amendment offered to strike out is one which proposes that the Secretary of the Interior may say whether or not there shall be sold to A more than 50 per cent of the water power at one place, or to B or to C, and thus in effect disburse it arbitrarily as he sees fit. When did Congress ever have the power to meddle with the interior business exclusively within a State? This is not interstate business, it is not commerce. I consent at once to the proposition that if the Secretary had been clothed with power to exercise certain supervision over electric energy when transported into two or more States, Congress would be within its powers. This, however, covers not only interstate business, but business absolutely and entirely within a State.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. MILLER. I can not yield because I have only a few minutes. If I could obtain an extension of time I should be delighted to yield. So after the gentleman had taken his seat the other day I betook myself to the library to find what this new decision was that had made waste paper of the Constitution of the United States; that had made waste paper of all the decisions of our Supreme Court. I have it with me here now. The Chandler-Dunbar case reported in Two hundred and twenty-ninth United States, page 53. Let us see what it decides and what it holds.

Mr. CLINE. Will the gentleman yield?

Mr. MILLER. I would like to yield and, perhaps, can when I make this statement, but not now. Congress decided by the passing of an act to construct some new locks at the Soo. In the act Congress specifically stated that all the water of that river was needed for purposes of navigation. Congress then authorized condemnation proceedings to acquire a strip of land bordering the stream and to acquire certain other properties.

The Chandler-Dunbar Co., under a revocable license previously secured, had constructed and was operating a water-power plant in the stream. This company was a riparian owner, as such claiming that it must be compensated for exclusion from the use of the water power inherent in the falls and rapids of the St. Marys River, whether the flow of the river be larger than the needs of navigation or not. Quoting from the decision:

From the foregoing it will be seen that the controlling questions are, first, whether the Chandler-Dunbar Co. has any private property in the water-power capacity of the rapids and falls of the St. Marys River which has been "taken," and for which compensation must be made under the fifth amendment to the Constitution; and, second, if so, what is the extent of its water power right and how shall the compensation be measured?

* * * * * * *

The technical title to the beds of the navigable rivers of the United States is either in the States in which the rivers are situated or in the owners of the land bordering upon such rivers. Whether in one or the other is a question of local law. (Shively *v.* Bowlby, 152 U. S., 1, 31; Philadelphia Co. *v.* Stimson, 223 U. S., 605, 624, 632; Scott *v.* Lattig, 227 U. S., 229.) Upon the admission of the State of Michigan

into the Union the bed of the St. Marys River passed to the State, and under the law of that State the conveyance of a tract of land upon a navigable river carries the title to the middle thread. (Webber *v.* The Pope Marquette, etc., 62 Mich., 626; Scranton *v.* Wheeler, 179 U. S., 141, 163; United States *v.* Chandler-Dunbar Water Power Co., 209 U. S., 447.)

The technical title of the Chandler-Dunbar Co., therefore, includes the bed of the river opposite its upland on the bank to the middle thread of the stream, being the boundary line at that point between the United States and the Dominion of Canada. Over this bed flows about two-thirds of the volume of water constituting the falls and rapids of the St. Marys River. By reason of that fact and the ownership of the shore the company's claim is that it is the owner of the river and of the inherent power in the falls and rapids, subject only to the public right of navigation. While not denying that this right of navigation is the dominating right, yet the claim is that the United States in the exercise of the power to regulate commerce may not exclude the rights of riparian owners to construct in the river and upon their own submerged lands such appliances as are necessary to control and use the current for commercial purposes, provided only that such structures do not impede or hinder navigation, and that the flow of the stream is not so diminished as to leave less than every possible requirement of navigation, present and future. This claim of a proprietary right in the bed of the river and in the flow of the stream over that bed, to the extent that such flow is in excess of the wants of navigation constitutes the ground upon which the company asserts that a necessary effect of the act of March 3, 1909, and of the judgment of condemnation in the court below, is a taking from it of a property right or interest of great value, for which, under the fifth amendment, compensation must be made.

* * * * * * *

This title of the owner of fast land upon the shore of a navigable river to the bed of the river is at best a qualified one. It is a title which inheres in the ownership of the shore and, unless reserved or excluded by implication, passed with it as a shadow follows a substance, although capable of distinct ownership. It is subordinate to the public right of navigation, and however helpful in protecting the owner against the acts of third parties, is of no avail against the exercise of the great and absolute power of Congress over the improvement of navigable rivers. That power of use and control comes from the power to regulate commerce between the States and with foreign nations. It includes navigation and subjects every navigable river to the control of Congress. All means having some positive relation to the end in view which are not forbidden by some other provision of the Constitution are admissible. If, in the judgment of Congress, the use of the bottom of the river is proper for the purpose of placing therein structures in aid of navigation, it is not thereby taking private property for a public use, for the owner's title was in its very nature subject to that use in the interest of public navigation. If its judgment be that structures placed in the river and upon such submerged land are an obstruction or hindrance to the proper use of the river for purposes of navigation, it may require their removal and forbid the use of the bed of the river by the owner in any way which in its judgment is injurious to the dominant right of navigation. So, also, it may permit the construction and maintenance of tunnels under or bridges over the river and may require the removal of every such structure placed there with or without its license, the element of contract out of the way, which it shall require to be removed or altered as an obstruction to navigation. In Gilman *v.* Philadelphia (3 Wall., 713, 724) this court said:

"Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the Nation and subject to all the requisite legislation by Congress. This necessarily includes the power to keep them open and free from any obstructions to their navigation interposed by the States or otherwise, to remove such obstructions when they exist, and to provide, by such sanctions as they may deem proper, against the occurrance of the evil and for the punishment of offenders. For these purposes Congress possesses all the powers which existed in the States before the adoption of the National Constitution and which have always existed in the Parliament in England."

Note the discussion by the court is solely in reference to navigation. It is stated with great clearness that Congress has complete control over navigable waters—not to regulate private business thereon or connected therewith, but for purposes of navigation, and for those purposes alone. At every step and in every statement the court explicitly restricts Federal regulation to navigation needs. Observe in the quoted decision of Gilman *v.* Philadelphia (3 Wall., 713) how the court there so clearly restricts Federal power over navigable waters when it says:

The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable waters. * * * For this purpose they are the public property of the Nation and subject to all the requisite legislation.

Could court or law more clearly announce that the control of the Federal Government over navigable waters within a State is strictly limited to purposes of navigation or commerce? If any Member is sufficiently interested, let him turn to the record of the proceedings on that former occasion when this matter was up and he will find this is the exact proposition I laid down as the law. I am indebted to the gentleman for citing this case, which reaffirms the law as I stated it some days ago.

But let me quote some more from this same illuminating decision:

That riparian owners upon public navigable rivers have, in addition to the rights common to the public, certain rights to the use and enjoyment of the stream, which are incident to such ownership of the bank must be conceded. These additional rights are not dependent upon title to the soil over which the river flows, but are incident to ownership upon the bank. Among these rights of use and enjoyment is the right, as against other riparian owners, to have the stream come to them substantially in its natural state, both in quantity and quality. They have also the right of access to deep water, and when not forbidden by public law may construct for this purpose wharves, docks, and piers in the shallow water of the shore. But every such structure in the water of a navigable river is subordinate to the right of navigation and subject to the obligation to suffer the consequences of the improvement of navigation and must be removed if Congress in the assertion of its power over navigation shall determine that their continuance is detrimental to the public interest in the navigation of the river. (Gibson *v.* United States, 166 U. S., 269; Transportation Co. *v.* Chicago, 99 U. S., 635.) It is for Congress to decide what is and what is not an obstruction to navigation. (Pennsylvania *v.* Wheeling Bridge Co., 18 How., 421; Union Bridge Co. *v.* United States, 204 U. S., 364; Philadelphia Co. *v.* Stimson, 223 U. S., 605.)

And, again—

Upon what principle can it be said that in requiring the removal of the development works which were in the river upon sufferance Congress has taken private property for public use without compensation? In deciding that a necessity existed for absolute control of the river at the rapids Congress has, of course, excluded until it changes the law every such construction as a hindrance to its plans and purposes for the betterment of navigation. The qualified title to the bed of the river affords no ground for any claim of a right to construct and maintain therein any structure which Congress has by the act of 1909 decided in effect to be an obstruction to navigation and a hindrance to its plans for improvement. That title is absolutely subordinate to the right of navigation and no right of private property would have been invaded if such submerged lands were occupied by structures in aid of navigation or kept free from such obstructions in the interest of navigation. (Scranton *v.* Wheeler, supra; Hawkins Light House cases, 39 Fed., 83.) We need not consider whether the entire flow of the river is necessary for the purposes of navigation or whether there is a surplus which is to be paid for if the Chandler-Dunbar Co. is to be excluded from the commercial use of that surplus. The answer is found in the fact that Congress has determined that the stream from the upland taken to the international boundary is necessary for the purposes of navigation. That determination operates to exclude from the river forever the structures necessary for the commercial use of the water power. That it does not deprive the Chandler-Dunbar Co. of private property rights follows from the considerations before stated.

It is said that the twelfth section of the act of 1909 authorizes the Secretary of War to lease upon terms agreed upon any excess of water power which results from the conservation of the flow of the river and the works which the Government may construct. This, it is said, is a taking of private property for commercial uses and not for the improvement of navigation. But, aside from the exclusive public purpose declared by the eleventh section of the act, the twelfth section declares that the conservation of the flow of the river is "primarily for the benefit of navigation and incidentally for the purpose of having the water power developed either for the direct use of the United States or by lease * * * through the Secretary of War."

If the primary purpose is legitimate, we can see no sound objection to leasing any excess of power over the needs of the Government. The practice is not unusual in respect to similar public works constructed by State governments. In Kaukauna Co. *v.* Green Bay, etc., Canal (142 U. S., 254, 273), respecting a Wisconsin act to which this objection was made, the court said:

"But if in the erection of a public dam for a recognized public purpose there is necessarily produced a surplus of water which may properly be used for manufacturing purposes there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places and draw off the water for their own use, serious consequences might arise not only in connection with the public demand for the purposes of navigation, but between the riparian owners themselves, as to the proper proportion each was entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties and thus reimburse itself for the expenses of the improvement."

It is at best not clear how the Chandler-Dunbar Co. can be heard to object to the selling of any excess of water power which may result from the construction of such controlling or remedial works as shall be found advisable for the improvement of navigation, inasmuch as it had no property right in the river which has been "taken." It has, therefore, no interest whether the Government permit the excess of power to go to waste or made the means of producing some return upon the great expenditure.

Here you have the whole case. These are the facts. This is the decision so valiantly relied upon by the bold champion of this bill. Surely he had never read this case. He is far too intelligent after reading to make any such claims for it. We must conclude he has been imposed upon by some one whose power to reason suddenly stopped. Not only does the case fail to sustain the gentleman or his bill but actually sustains our criticism of the bill as far as it has any bearing at all. Observe the facts: Congress passes an act that says all the water in the St. Marys River is needed for purposes of navigation; that the private property on and along said stream, including a private water-power plant, shall be condemned; that the surplus water going over a Government dam incidental to the primary effort to erect structures for the improvement of navigation may be turned into electrical energy and sold by the Government. The court holds the power of Congress is supreme over navigable waters for the purposes of navigation; that private persons by acquiring riparian rights can not secure a property interest in a water power as against an act of Congress stating all the water is needed for navigation.

Of course this is the law. Of course, also, this case does not in any way whisper or suggest that Congress has power to override State laws by making rules of its own to regulate private

business within the State, even though that private business is the selling or using of water power developed on land a part of the public domain.

The Chandler-Dunbar case, from the first page to the last, contains not a line or a syllable that bears at all on the power of the Congress to legislate as provided in the bill. Now, if the gentleman will indulge me a little further, may I call the attention to the powers of Congress as decided by the Supreme Court, and which do stand to-day as they stood a few years ago, and which have not been made so much waste paper.

It is, of course, fundamental to state that the powers possessed by Congress are not general, but confined to those enumerated in the Constitution. The powers of the Congress are those surrendered by the States, or rather by the people of the United States. All powers not specifically surrendered are still retained either by the States or by the people of the Union. I challenge any gentleman to point out in the Federal Constitution any authority for Congress to go into the business primarily of controlling water powers operated by private persons or corporations, or controlling public-service corporations whose business is wholly within a State.

A decision of our Supreme Court, directly in point and exceedingly valuable in construing the legal effect of the terms of this bill, is a very recent one, as well as one of the utmost importance. I refer to the case of Kansas against Colorado, reported in Two hundred and sixth United States, page 46.

The State of Colorado, directly and through certain corporations authorized by it, was utilizing the waters of the Arkansas River in the work of reclaiming or irrigating arid lands. This same river flows through the State of Kansas, after leaving Colorado. The State of Kansas brought an action to restrain Colorado and the said corporations from so using the waters of the Arkansas River, because such use prevented the natural and customary flow of the river. The United States intervened, claiming the right to use the waters of that river to irrigate the public domain and Indian reservations. The river was not actually navigable, either in Colorado or Kansas, and no claim was made that the interests of navigation were involved.

So it is seen in that case the State of Colorado for irrigation and reclamation purposes was utilizing a large part of the water of the Arkansas River. The State of Kansas desired that those waters should be transferred on down within its own borders for a similar purpose, and they claimed that Kansas had a right to receive the water with its flow practically unimpeded. They brought an action and asked the Government to restrain Colorado from using the waters of the river.

Mr. CLINE. Will the gentleman just yield for a brief interruption there? I will not be tedious.

Mr. MILLER. I will yield.

Mr. CLINE. But did not the Government in that very case decide that had the Government sought to intervene for the purpose of protecting navigation that then the Government would have had a standing in the court?

Mr. MILLER. Absolutely; and the gentleman gives further testimony as to the law. The court first clearly defines the powers of Congress over the waters of streams within the State, and then holds that the control of such streams is vested in the State, excepting only for navigation purposes. Quoting from the syllabus:

> The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people; and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those waters is, subject to the exception named, vested in the State.

And there it shall remain forever.

Mr. FERGUSSON. Will the gentleman yield?

Mr. MILLER. If the gentleman will make his question very short.

Mr. FERGUSSON. I will. Does not the gentleman recognize that this bill deals with Government land situated within the States?

Mr. MILLER. My dear sir, I am pleased the question was asked. I was about to come to it. The fact that the United States Government owns some of the land can not give it a single power not granted by the Constitution. It has no greater power by reason of that ownership than I have or has the gentleman from New Mexico. Congress has only those powers which the States surrendered; it is not possessed of powers except those which were given by the States. Among those we have the power to regulate commerce, and the court has held that that power includes control over navigation. But we can not step beyond that. There is no question of navigation involved in the pending bill. Ninety-nine per cent of these water items are beyond the limits of navigation. There is no question of interstate commerce. It is simply a square industrial enterprise by the United States, and, as was so well stated by the gentleman from Wyoming the other day, this is the greatest usurpation of centralized power ever displayed in the history of our Nation. It surpasses the claims of the most ultra Federalist of ancient days. It is also one of the greatest enterprises of a business nature ever undertaken by a private or by a public corporation. And do not forget, it is being undertaken by the United States Government.

Discussing the power of Congress, the court said:

> This amendment, the tenth, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act. It reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The argument of counsel ignores the principal factor in this article, to wit, "the people." Its principal purpose was not the distribution of power between the United States and the States, but a reservation to the people of all powers not granted. The preamble of the Constitution declares who framed it, "we the people of the United States," not the people of one State, but the people of all the States, and Article X reserves to the people of all the States the powers not delegated to the United States. The powers affecting the internal affairs of the States not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, and all powers of a national character which are not delegated to the National Government by the Constitution are reserved to the people of the United States. The people who adopted the Constitution knew that in the nature of things they could not foresee all the questions which might arise in the future, all the circumstances which might call for the exercise of further national powers than those granted to the United States, and after making provision for an amendment to the Constitution by which any needed additional powers would be granted, they reserved to themselves all powers not so delegated.

Discussing the right of the State to control the waters of streams within its borders, the court said:

> Although this power of changing the common law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its waters; so far at least as may be necessary for the beneficial uses of the Government property; second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action.

It follows from this that if in the present case the National Government was asserting, as against either Kansas or Colorado, that the appropriation for the purposes of irrigation of the waters of the Arkansas was affecting the navigability of the stream, it would become our duty to determine the truth of the charge. But the Government makes no such contention. On the contrary, it distinctly asserts that the Arkansas River is not now and never was practically navigable beyond Fort Gibson, in the Indian Territory, and nowhere claims that any appropriation of the waters by Kansas or Colorado affects its navigability.

It rests its petition of intervention upon its alleged duty of legislating for the reclamation of arid lands; alleges that in or near the Arkansas River, as it runs through Kansas and Colorado, are large tracts of those lands; that the National Government is itself the owner of many thousands of acres; that it has the right to make such legislative provision as in its judgment is needful for the reclamation of all these arid lands and for that purpose to appropriate the accessible waters.

In support of the main proposition it is stated in the brief of its counsel:

> That the doctrine of riparian rights is inapplicable to conditions prevailing in the arid region; that such doctrine, if applicable in said region, would prevent the sale, reclamation, and cultivation of the public arid lands and defeat the policy of the Government in respect thereto; that the doctrine which is applicable to conditions in said arid region, and which prevails therein, is that the waters of natural streams may be used to irrigate and cultivate arid lands, whether riparian or nonriparian, and that the priority of appropriation of such waters and the application of the same for beneficial purposes establishes a prior and superior right.

In other words, the determination of the rights of the two States inter esse in regard to the flow of waters in the Arkansas River is subordinate to a superior right on the part of the National Government to control the whole system of the reclamation of arid lands. That involves the question whether the

reclamation of arid lands is one of the powers granted to the General Government. As heretofore stated, the constant declaration of this court from the beginning is that this Government is one of enumerated powers.

Again:

But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters. (Martin *v.* Waddell, 16 Pet., 367; Pollard *v.* Hagan, 3 How., 212; Goodtitle *v.* Kibbe, 9 How., 471; Barney *v.* Keokuk, 94 U. S., 324; St. Louis *v.* Myers, 113 U. S., 566; Packer *v.* Bird, 137 U. S., 61; Hardin *v.* Jordan, 140 U. S., 371; Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal Co., 142 U. S., 254; Shively *v.* Bowlby, 152 U. S., 1; Water Power Co. *v.* Water Commissioner, 168 U. S., 349; Kean *v.* Calumet Canal Co., 190 U. S., 452.) In Barney *v.* Keokuk, supra, Mr. Justice Bradley said (p. 338):

"And since this court, in the case of The Genesee Chief (12 id., 443), has declared that the Great Lakes and other navigable waters of the country, above as well as below the flow of the tide, are in the strictest sense entitled to the denomination of navigable waters and amenable to the admiralty jurisdiction, there seems to be no sound reasons for adhering to the old rule as to the proprietorship of the beds and shores of such waters. It properly belongs to the States by their inherent sovereignty, and the United States has wisely abstained from extending (if it could extend) its survey and grants beyond the limits of high water."

Congress clearly understood the limitations of its powers when it passed the reclamation act. In that it clearly recognized the paramount right of the State to control by law the waters within its borders. All the rules and laws governing the usage of water for irrigation purposes are State laws. Congress never assumed—because prior to the present hour it had more sense than to do so—never assumed to override the superior right of the State to control its own watercourses. Section 8 of the reclamation act is as follows:

SEC. 8. That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder; and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of the water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The power of Congress to legislate respecting interstate commerce has been the subject of numerous decisions. It can be finally stated that the power of Congress does not go beyond, and is strictly confined to, commerce of an interstate nature. A State does not have authority to pass a law that interferes with or puts a burden upon interstate commerce. Such is the holding in the Shreveport case of recent date. Similarly, Congress has no authority to prescribe any rule or procedure respecting commerce unless it has some real or substantial relation to or connection with the commerce regulated.

A recent and a highly instructive decision is that of the Supreme Court in Adair *v.* United States (208 U. S., 161). In this case Congress had made it a crime for a railway official engaged in interstate commerce to discharge an employee because he was a member of a labor union. Adair was convicted in Kentucky and appealed. In the opinion the court said:

Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization can not have in itself and in the eye of the law any bearing upon the commerce with which the employee is connected by his labor and services. Labor associations, we assume, are organized for the general purpose of improving or bettering the conditions and conserving the interests of its members as wage earners—an object entirely legitimate and to be commended rather than condemned. But surely those associations as labor organizations have nothing to do with interstate commerce as such. One who engages in the service of an interstate carrier will, it must be assumed, faithfully perform his duty, whether he be a member or not a member of a labor organization. His fitness for the position in which he labors and his diligence in the discharge of his duties can not in law or sound reason depend in any degree upon his being or not being a member of a labor organization. It can not be assumed that his fitness is assured or his diligence increased by such membership, or that he is less fit or less diligent because of his not being a member of such an organization. It is the employee as a man and not as a member of a labor organization who labors in the service of an interstate carrier.

* * * * * * *

Looking alone at the words of the statute for the purpose of ascertaining its scope and effect, and of determining its validity, we hold that there is no such connection between interstate commerce and membership in a labor organization as to authorize Congress to make it a crime against the United States for an agent of an interstate carrier to discharge an employee because of such membership on his part. If such a power exists in Congress, it is difficult to perceive why it might not, by absolute regulation, require interstate carriers, under penalties, to employ in the conduct of its interstate business only members of labor organizations, or only those who are not members of such organizations—a power which could not be recognized as existing under the Constitution of the United States. No such rule of criminal liability as that to which we have referred can be regarded as in any just sense a regulation of interstate commerce. We need scarcely repeat what this court has more than once said—that the power to regulate interstate commerce, great and paramount as that power is, can not be exerted in violation of any fundamental right secured by other provisions of the Constitution.

Having in mind, therefore, these clearly enunciated principles by our Supreme Court, let us apply them to the paragraphs of the bill. Only a brief glance is necessary to disclose clearly how all constitutional limitation has been violated. The bill prescribes rules and regulations to operate in the various States in open conflict with both State rights and State laws. In paragraph 1 the limitation of 50 years would be in open conflict with the laws of such a State as Wisconsin, since the laws of that State say the right to operate the water power is perpetual, subject to the rules and regulations that law prescribes.

The last half of paragraph 2 is ridiculously beyond the power of Congress, and paragraph 3 is the high watermark of impotent aspirations wallowing in the network of State and Federal law.

From a dozen different angles one can view this section and from each see that it is absolutely void of legality. To illustrate, the Secretary of the Interior is given complete control over the service, charges for service, even over the issuance of stocks and bonds, of the lessee when he is doing business in two or more States. One may be doing business in two or three States and yet not be doing an interstate business. Then the Secretary is given marvelous authority to permit or prohibit combination of plants, except in certain cases. The framers of the bill assumed Congress had power to regulate water-power business entirely within a State, just as Congress has power to regulate interstate commerce. They will search through the Constitution in vain to find any authority for the powers here conferred upon the Secretary.

Mr. FERGUSSON. Mr. Chairman——

Mr. MILLER. I do not like to seem discourteous, but I have only a short period of time and I must hurry along.

And it seems to be entirely overlooked that there exist States with sovereign powers. That will be found out sometime. Now, it is an easy matter to change these provisions so as to bring them within the limits of the Constitution. You can do it on the contract basis, but you can not do it in any other way.

Now, referring to the question just asked by the gentleman from New Mexico [Mr. FERGUSSON], if the United States, by its possession of the land, can not do upon it anything it pleases, I will say, of course it can not; it can not do anything upon that piece of land except to sell it or lease it and control interstate commerce respecting it. But this bill has nothing to do with navigation or interstate commerce. If any gentleman will point out to me any place or any part in this bill dealing with navigation or with commerce, then I am prepared to modify my views. Nay, possibly some gentleman will suggest that this very paragraph does that, wherein it says as follows:

SEC. 3. That in case of the development, generation, transmission, and use of power or energy under such a lease in a Territory, or in two or more States, the regulation and control of service and of charges for service to consumers and of the issuance of stock and bonds by the lessee is hereby conferred upon the Secretary of the Interior.

There are some words which possibly might give a suggestion that where power is being transmitted from one State into another, thus becoming interstate commerce, the terms of this paragraph apply. I grant that.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. O'SHAUNESSY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14155. An act to amend an act entitled "An act to amend an act of Congress approved March 28, 1900 (Stat. L., p. 52), entitled 'An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas State Agricultural College and a western branch of the State normal school thereon, and for a public park.'"

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5574) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 1657) providing for second homestead and desert-land entries, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses

thereon, and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplementary thereto, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MYERS, Mr. PITTMAN, and Mr. SMOOT as the conferees on the part of the Senate.

DEVELOPMENT OF WATER POWER.

The committee resumed its session.

Mr. MILLER. How much time did I have, Mr. Chairman?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that I have two minutes in which to answer for the committee. I was crowded out by a side issue here.

Mr. MILLER. I would really like to have five minutes more if I can have it, Mr. Chairman.

Mr. MONDELL. The gentleman from Minnesota has not taken much time, and this is a very important feature of this discussion.

Mr. FERRIS. Mr. Chairman, I can not consent to open this section again if the committee is not willing to give me two minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that he may address the committee on the pending amendment for two minutes.

Mr. MONDELL. Mr. Chairman, reserving the right to object, I shall not object if the gentleman from Oklahoma will allow the gentleman from Minnesota to have some additional time.

Mr. FERRIS. I really hope the gentleman from Minnesota will not ask for another five minutes. The committee has not kept any time to itself.

Mr. STAFFORD. The gentleman is presenting an argument in which we are interested.

Mr. FERRIS. He is presenting an argument that has been presented on every water-power proposition.

Mr. STAFFORD. It was not discussed the other day.

The CHAIRMAN. The question is whether there is objection to the request submitted by the gentleman from Oklahoma [Mr. FERRIS], that he may address the committee for two minutes on the pending amendment.

Mr. MONDELL. Do I understand the gentleman from Minnesota [Mr. MILLER] desires more time?

Mr. MILLER. I do; and I will say to the gentleman from Wyoming that I appreciate the position of the gentleman from Oklahoma, and I would like some more time on the next paragraph. I do not propose to be shut off.

Mr. FERRIS. I have no disposition to shut the gentleman off.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. FERRIS], that he may address the committee for two minutes?

There was no objection.

Mr. FERRIS. Mr. Chairman, the substance of the argument of the gentleman from Minnesota is that the Federal Government has not the right to do with its own property whatsoever it will. I assert that both in law, in fact, and in reason the Federal Government has the right to do on its property anywhere in the United States what it desires to do. With that, I shall pass to the amendment of the gentleman from Wyoming [Mr. MONDELL].

The specific amendment which was offered more than an hour ago by the gentleman from Wyoming is on page 3, line 17, to strike out lines 17, 18, 19, and part of 20, which in effect would give the water-power company the right to sell all of the power produced to one concern or to one person or lessee. It is patent that that should not be permitted. The committee thought there ought to be some restraint upon the water-power company in disposing of its product in the public interest.

In other words, the water-power company, if the amendment of the gentleman from Wyoming is adopted, will have the right to sell its entire output, to the exclusion of local irrigation interests and local interests generally, to one concern. We ought not to permit that to be done, and the amendment ought not to be adopted. I can not think the gentleman from Wyoming wants to do that. It is clearly against the interests of his State. The amendment adopted some time ago should not have been adopted, but surely this amendment ought not to be adopted from any standpoint or any reason. The language as reported by the committee put the limitation on the amount of the water power that can be sold to a single person. The amendment of the gentleman takes that limitation off. The Secretary thinks it ought to be in. I think quite all of the authorities that came before the committee thought it ought to be in, and the entire committee thinks it ought to be in. The committee should be slow to accept amendments here that have had no consideration. Some of them may look good on their face, but will work mischief in fact. An amendment that has not been well planned and well thought out, of so sweeping importance as that of the gentleman from Wyoming [Mr. MONDELL], ought not to be agreed to, and I hope the committee will not agree to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman——

Mr. FERRIS. Mr. Chairman, the debate is closed on the entire paragraph.

Mr. MONDELL. No; only on the amendment.

Mr. FERRIS. No; on the entire paragraph and amendments thereto. There can not be any debate.

The CHAIRMAN. The Chair is informed that under the agreement all debate upon this paragraph is exhausted.

Mr. MURDOCK. That is right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That in case of the development, generation, transmission, and use of power or energy under such a lease in a Territory, or in two or more States, the regulation and control of service and of charges for service to consumers and of the issuance of stock and bonds by the lessee is hereby conferred upon the Secretary of the Interior or committed to such body as may be provided by Federal statute: *Provided*, That the physical combination of plants or lines for the generation, distribution, and use of power or energy under this act or under leases given hereunder may be permitted, in the discretion of the Secretary, but combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade with foreign nations or between two or more States or within any one State, or to fix, maintain, or increase prices for electrical energy or service are hereby forbidden.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

Mr. MONDELL. Mr. Chairman, my amendment is in lieu of section 3, down to the first proviso on page 4, line 2.

The Clerk read as follows:

Strike out section 3 down to the word "statute," in line 2 of page 4, and insert the following: "That all leases shall be granted upon the condition and subject to the reservation that at all times during the use and enjoyment thereof, and of the water power appropriated and used in connection therewith, the service and charges therefor, including all electric power generated or used in connection therewith, shall be subject to the regulation and control of the State within which the same is used, and subject to the fixing of the rates and charges for the use thereof and the issuance of securities by such State or under its authority."

Mr. MONDELL. Mr. Chairman, the gentleman from Minnesota [Mr. MILLER] a few moments ago gave us an exceedingly interesting legal discussion of some of the features of this measure. I do not intend to go at length, further than I did in my opening speech, into these legal questions. Since Congress passed a bill which provided in substance that a chickadee bird, sailing through the blue sky, if he happened to pass over a point directly above a State line became interstate commerce, I have concluded that it is hardly worth while to talk about the Constitution of the United States in the discussion of any legislation in this body. [Laughter.] However, I do not think that even the gentlemen who have no regard whatever for the Constitution, who have no tolerance for the kind of Government that our fathers established and which we live under—I think the gentlemen who are perfectly willing to tear down all the pillars of the Constitution ought not to do it when it is clearly patent they can not serve any public good by doing it and will serve monopoly instead.

Now, the provision of the bill which I have proposed to strike out provides that if any part of the power developed is used in more than one State the Secretary of the Interior shall control the entire enterprise. In other words, a great enterprise might be built up and might operate for years in one State completely and satisfactorily under State control, and, having finally run a line to light one lamp across a State line, it would immediately become, like the chickadee bird under the migratory bird act, interstate commerce, subject, as to the whole concern, to regulation by the Secretary of the Interior, taking it absolutely out of the control of the people who use it, the people who are to be served.

There is some question as to the extent of the power of the Federal Government, as to just what the Federal Government may do in prescribing rules and regulations under which its public lands may be used. The gentleman from Minnesota [Mr. MILLER] is certainly right when he contends that the

Federal Government, in providing rules and regulations for the use of its public lands, can not thereby legally assert a power which the Constitution does not give the Federal Government.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In other words, there are no implied powers granted to the Federal Government by reason of its ownership of land, and the courts have decided that many times. But the discretion and power of the Federal Government in laying down rules and regulations relative to the use of public lands is, I think, pretty broad.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. But those rules, which are the rules laid down by a proprietor, can not be held to enlarge the powers of the Federal Government. I yield to the gentleman from Colorado [Mr. SELDOMRIDGE].

Mr. SELDOMRIDGE. I wanted to ask the gentleman if he believed, in case the Federal Government itself should build a power plant on a public domain, it would not have the right to charge the consumer of that power any price it saw fit independent of any State regulation or control?

Mr. MONDELL. Well, I am not a lawyer——

Mr. SELDOMRIDGE. Neither am I——

Mr. MONDELL. I am inclined to think not, but I do not want to give a curbstone opinion on a proposition of that kind. We are crossing that bridge now.

Mr. SELDOMRIDGE. I understand that that is the contention of the chairman of the committee—that, it being Federal property and being absolutely under the control of the Federal Government, the Government can do with it as it pleases.

Mr. MONDELL. I will say to my friend from Colorado that I still believe in the good old-fashioned doctrine that the people of this country reserved to themselves within the municipalities all the powers that they did not expressly grant to the Federal Government, and you can not find any power anywhere in the Federal Government that is not expressed in the Federal Constitution. I do not think you will find in the Constitution any power, expressed or implied, for the Federal Government to put itself above a State in the manner suggested.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. Yes.

Mr. THOMSON of Illinois. Right on that last remark of the gentleman from Wyoming, although he is not a lawyer, having, however, interpreted part of the Constitution, will he tell us what he thinks of this power:

> The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. MONDELL. Certainly. That includes more than public lands, I will say to the gentleman; but Congress has, of course, the right to dispose of public lands.

Mr. THOMSON of Illinois. It does include the pubilc lands?

Mr. MONDELL. It does include the public lands, but it includes more than public lands. No one has denied the right of the Federal Government to dispose of the public lands or to make proper rules and regulations relative to their use and their disposition.

Mr. THOMSON of Illinois. That is what I say.

Mr. MONDELL. But it can not use its ownership and proprietorship of the public lands as an excuse for attempting to exercise sovereignty which it does not possess. That is our contention.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may have five minutes more. I really have not got to the discussion of my amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. FERRIS. Reserving the right to object, I should like to see if we can get the time limited.

Mr. STAFFORD. I hope the gentleman is not going to limit time on the paragraph.

Mr. FERRIS. No; on the amendment. I ask unanimous consent that debate upon the pending amendment and all amendments thereto be closed in 30 minutes.

Mr. MONDELL. On the amendment and the amendments to it?

Mr. FERRIS. Yes; but not on the paragraph. It does not close debate on the paragraph.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on the pending amendment and all amendments thereto be closed in 30 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, I did not intend to go into a constitutional discussion of the matter, but simply made the observations that I did, leading up to my amendment. Now, let us see what the situation is under this bill. So far as the regulation of the rates and charges of an enterprise entirely within one State is concerned, there is nothing in this bill that fixes or attempts to fix the power of the States or attempts to strengthen the power of the States. I take it, it is assumed by those who drew the bill that an enterprise wholly within a State is regulated by the State, but no effort is made to aid the State or strengthen the State in its power of control. Now, when an enterprise distributes electrical energy in two States, it is proposed, contrary to the Constitution and to our form of Government, to give the Secretary of the interior authority to take over the entire enterprise, no matter how large it may be, and regulate it in every way.

My amendment has two purposes: First, to strengthen the power of the State over these corporations by providing that every lease shall be dependent upon the acceptance of the power of the State to control. Unless you do put some provision of that sort in the bill, if one of these enterprises or the people owning it should refuse to acknowledge the right of the State to control it, there is no way in which the Federal Government can be of any assistance in successfully issuing the power of the State. Now, I suggest to these federalistic gentlemen who want to do unconstitutional things, as they say, in the interest of the people or for the benefit of the people, why not let them surprise themselves by doing a perfectly constitutional thing which will strengthen the power of the people locally over these corporations?

My amendment first puts the people who have the right to control in such a position that if their right to control is denied the lease is canceled. Second, it provides that the control shall be in the State where the plant is located or the current used; in other words, each State would control the part of the enterprise that it had to do with. We simply leave the law and the Constitution just as they are, but we use the fact of the ownership of land by the Federal Government to strengthen the hands of the State in its control. That is the logical way to do this thing. It is infinitely more effective than the provision contained in the bill. It does help each State, and it helps all of the States where an enterprise is in more than one, and it holds over these lessees the danger of cancellation if they do not fully acknowledge the power of the State and its people to control.

Mr. RAKER. What is the object of the gentleman in having Congress pass upon the question of the handling of the appropriation of water and the connection with it?

Mr. MONDELL. There is nothing in my amendment that has anything to do with the appropriation of water, except that it says that all operations under a lease and under the water right shall be subject to the control of the States. They are subject to the control of the States, but proposing to so fix these leases that the power of the Federal Government—not the power that it has no right to exercise, but the power it has the right to exercise—may be used to aid the States in their complete control of the power projects within their borders.

Mr. MILLER. Mr. Chairman, when my time expired I was proceeding to read and discuss a part of section 3. Apparently the gentlemen who prepared the bill had in mind that by that language they were controlling interstate commerce. Let us see what it says:

> A lease in a territory, or in two or more States.

That does not say through two or more States. That does not say through one State into another. That says in two or more States. Now, any of us can see a thousand illustrations, where it would not be interstate commerce at all. The States of Wisconsin and Minnesota lie side by side, separated for quite a distance by the Mississippi and then by the St. Croix Rivers. There are water powers along those streams. We will say here is a power plant being constructed on the St. Croix, on Government land, one plant at one place. It has one line running into Wisconsin, delivering power there. It has another line running into Minnesota, delivering power there.

They are not doing an interstate business. They are doing business in two States. You can not give Congress the power and authority to regulate the proceedings and business of a company that is doing business in two States and not an interstate business by calling it any name you please. I fancy we can imagine cases where a concern might be doing business in three States. I can see one now. Take it up here at Harpers Ferry, where West Virginia, Maryland, and Virginia unite, with magnificent water powers right at the spot. There could be located a plant that would be doing business in three States, but never be doing an interstate business. Why, Mr. Chairman, instead of the proposition I submitted the other day having been made waste paper by the Chandler-Dunbar decision, I submit that every decision of the Supreme Court, and particularly its last expression which I read, makes absolute waste paper of three-fourths of the provisions of this bill.

Referring again to an inquiry oft repeated, Can not the United States do anything it pleases with its own lands? the answer is, Of course it can not. Gentlemen must not confuse ownership with sovereignty. Ownership does not give sovereignty. Ownership does not create sovereignty. If it did, we would all be sovereigns because we own something.

If I own a piece of land in the State of Wisconsin and build on that piece of land a water-power plant, I am subject to the laws of Wisconsin in every respect where those laws operate. Likewise, if the United States Government leases a site to an individual who builds a plant there, the last-named individual is subject to the laws of Wisconsin, and you can not enlarge or restrict the operation of the Wisconsin laws one single bit, no matter how many paragraphs you put into the bill. In my case there was a complete absence of power to override the laws of Wisconsin. Such is the situation as regards the United States. The United States may own the land, but suffers from a complete lack of power to override the laws of Wisconsin.

Again, let me state that the ownership by the United States Government can not and does not create or enlarge the powers that Congress possesses.

Mr. FERRIS. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. FERRIS. I want to ask the gentleman if he is not aware that Congress passed, almost by unanimous vote in both Houses, the Hetch Hetchy bill, which provided for the regulation in the greatest detail of matters purely intrastate, power generated in the State, power used in the State, and, further, if it does not make unnecessary the whole argument that whatever Mr. A, the Government, agrees to with Mr. B, the lessee, and incorporates in the contract, that that is a contract between the lessee and the Federal Government?

Mr. MILLER. The gentleman is suggesting what might have been done by the committee. Of course, you can do it by contract, but you can not do it by rules and regulations.

Mr. FERRIS. The gentleman's question is so completely foreclosed by the fact that all the water power has been developed under regulations that I think no further reply is necessary.

Mr. MILLER. The gentleman states a fact which shows that even yet he does not clearly see the awful holes in his bill. Of course, Congress can require that water power on navigable streams can be developed only by complying with certain of its rules. That is regulating commerce and navigation. Indeed, there are some rules Congress could impose upon water-power development on the public domain, but, indeed, not rules or regulations that interfere with or put a burden upon the powers of the State.

So, Mr. Chairman, I might continue, proceeding from paragraph to paragraph, pointing out the futile features of the bill; but why multiply the illustrations? Let me call attention to section 9, and then I am done. This paragraph recognizes the right of a State to control the service, charges for service, and stock and bond issues. It says, in effect, that these are items within the control of the State, but adds that if the State does not exercise its power, then a person is designated by Congress to exercise it. The section recognizes that the control of these features comes within the powers of a State; how, then, can any person be clothed with the power to exercise these functions except at the hands of the State? If the Federal Government has no power to control, and the State has, then the Federal Government can not possibly confer that power upon anyone.

Before provisions such as these can become operative, the Constitution, under which we live, must be materially changed.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes, and I ask unanimous consent also to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas has the right to extend his remarks. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MURDOCK. Mr. Chairman, a few moments ago, in the discussion of this conservation measure, a spirit of rancor was shown on the part of the two Republican gentlemen from Washington, Mr. HUMPHREY and Mr. JOHNSON, which I do not believe the newer Members of the House understand. Theodore Roosevelt ceased to be President March 4, 1909. For weeks preceding his departure from the White House there was hung up in one of the great committee rooms in this House, in jubilation, a daily bulletin. It first read "Only 30 days more." The next day this was replaced by a bulletin which announced "Only 29 days more." So that bulletin was daily changed until the day Mr. Roosevelt ceased to be President. That was a sincere expression on the part of the men who then controlled the Republican Party in the House. They were glad to chronicle the fact that he was going; glad to know he was gone.

Mr. RAKER. Will the gentleman yield?

Mr. MURDOCK. No; I will not yield now. One of the reasons that they then opposed Mr. Roosevelt—opposed him in the cloakroom, but not outside upon the floor, because they did not dare—was because of his friendship for Gifford Pinchot and the Pinchot policies. The moment Mr. Roosevelt ceased to be President the atmosphere of this House on the Republican side changed. At once there was open antagonism to Pinchot and his policies and an open indorsement and defense of Ballinger and the Ballinger policies, under which an attempt was made to rob the people of the great natural wealth of Alaska. The rancor and bitterness which has been shown in the scandalous and unjustified attacks here upon Gifford Pinchot to-day are the echo of that day. Let me say to you this conservation measure which you have before you now would not be here for consideration if it had not been for the policies of Theodore Roosevelt and Gifford Pinchot, and the defeat of the very men who are so free in their criticisms to-day. However, I did not rise for the purpose of defending those who need no defense. I rose for the purpose of reviewing the legislative history of the present Congress as evidencing the attitude of the three political parties here.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MURDOCK. I would like to proceed, but I will yield to the gentleman.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether he is going to extend his remarks along the line of what he has just been speaking about.

Mr. MURDOCK. No; I am going to speak on the major transactions of the present Congress.

CAMPAIGN PUBLICITY THAT IS NOT PUBLIC.

At the opening of the present Congress I introduced a resolution for the publication of all statements of campaign contributions, including congressional statements and those of national committees then on file with the Clerk of the House, pointing out that under the law, after the lapse of a certain period, these statements would be destroyed, and emphasizing the necessity of publication of the statements if the spirit of the campaign publicity laws were to be carried out. Consideration of my resolution was denied. The statements have never been published.

Both their totals and the list of the contributors contained in the statements were such that neither the Democratic nor Republican leadership here were inclined to enthuse over my proposal, for the Democratic leadership, after years of violent invective and denunciation of the excessive use of money in campaigns, knew that the Democratic national committee had spent more money than any other committee, nearly twice as much as the Progressive national committee, and $200,000 more than the Republican national committee. And the Republican leadership certainly felt that the sum total of its national committee's expenditures, in contrast with the eight electoral votes garnered by Mr. Taft, was a tragical exposition of campaign mismanagement best to be quickly forgotten. Mr. Wilson received 6,293,454 votes, Mr. Roosevelt 4,119,538, and Mr. Taft 3,464,080.

The total contributions and expenditures by the three national committees in 1912 are nevertheless illuminating. They were:

	Contributions.	Expenditures.
Democratic national committee	$1,159,446.33	$1,134,848.00
Republican national committee	904,827.67	900,363.58
Progressive national committee	676,672.73	665,500.00

Eloquent as the total figures are in a day of almost universal revolt against the "barrel" in politics, the detailed items of the statements, showing the sources of contribution, how much was given to the Democratic campaign by certain financial interests in New York, by J. Rupert, of New York, by Roger Sullivan, of Illinois, and others, would undoubtedly be more so had the Democratic leadership provided for their publication.

The refusal to publish them reflects in a way the attitude of the Democratic leadership against real reform, which is more clearly seen in its early, drastic, and persistent use of the secret caucus, its recourse to cloture, and its persistent refusal to change the rules of the House in the interest of popular government.

THE HALT IN REFORM OF THE RULES.

At the beginning of the present Congress the Progressives raised the standard of open committee meetings and the public conference. The Republican leadership, under this challenge and after its initial secret caucus had transacted its most important business, the empowering of its floor leader to select its representatives on committees, a continuation of the Cannon system, declared for open conferences—with a string to the declaration, which makes the pretense absurd—that the open conference can be thrown into a closed caucus by a majority vote. The Democratic leadership held to the closed caucus, with a modification, a provision which is bait to catch gudgeon, the provision that upon demand of one-fifth of those present a roll call shall be taken, which, if demanded, shall be given to the public. Inasmuch as the men in a Democratic caucus are all of one party, and naturally anxious to save one another from common party embarrassment, roll calls have been few and far between. Even when roll calls do take place they do not appear in the CONGRESSIONAL RECORD or in any publication where they are immediately accessible to the public. That the provision is a pretense is best shown by the fact that at the beginning of this Congress an attempt was made to open up all Democratic caucuses to the public. It was beaten. Under present Democratic leadership, therefore, King Caucus remains. Out of public view, without record of debate and secretly, great measures like the tariff measure and the currency law have been adopted, the representatives of the people bound, often against their better judgment and the interests of their constituents, and public debate and action thereafter in the House itself made pitiably perfunctory. For both the Underwood tariff bill and the Glass currency bill, as they left the House, were virtually word for word the bills passed out to the House by the Democratic caucus.

THE POWER OF THE COMMITTEE PIGEONHOLE.

Not only in its use of the caucus but in the matter of cloture the Democratic leadership, forgetting that one of the great causes for its accession to power was popular revolt against Cannonism, demonstrated how unwilling it is to depart from the old and un-American methods of narrow legislative control. Within the first month of the new Congress a "special rule" saving a great appropriation bill from amendment was adopted. Repeatedly through the life of this Congress the device of "special rules," because of which a nation arose in protest against Republican leadership in the House, has been adopted by the Democratic leadership.

Neither has that leadership suffered in this Congress needed improvement to be made in the general rules of the House. Under the initiative of the insurgents, the Democratic leadership displayed to the country a great anxiety to change the rules so that the House of Representatives should be representative in fact. The powers of the Speaker were diminished by taking away from him the right to name membership on committees. The Unanimous Consent Calendar was created. An improved Calendar Wednesday, which gave ordinary bills on the calendar a chance for consideration against great privileged bills, which were used as buffers and to keep the control of business in a few hands, was established. A right to discharge all committees save one, the Committee on Rules, and thus do away in part with the iniquity of the pigeonhole, was apparently given. To practically all of these changes the Republican leadership then and now is cynically opposed. Calendar Wednesday is in both the old parties here constantly derided as "Holy Wednesday," because it is one day in the week saved to the membership of the House from the dictation of leadership. There were other crying needs for reform in the rules. There ought to be the right for a public roll call in standing committees and in the Committee of the Whole. It is in this committee, in particular, that many important votes take place. There is also a crying necessity for a change in the rules so that Members can discharge committees which have pigeonholed important propositions, for the rule which now provides this is not operative.

The pigeonhole is as potential as it ever was. Moreover, it should be in order for the House to discharge the Committee on Rules. To this great committee go many of the major propositions—propositions for important investigations, requests for consideration of proposed amendments to the Constitution, such as national equal suffrage and prohibition—and there is no way in which the House, under its present rules, can dislodge this Committee on Rules, discharge it from the consideration of a measure and take over the matter itself.

SUPPRESSING THE SUFFRAGE AMENDMENT.

The denial of American womanhood to the right to a part in the conduct of government, one of the Progressive pledges, furnishes a case in point. The record to prevent the advocates of equal suffrage from securing the submission to the people of a suffrage amendment to the Constitution has been one of the most illuminating developments of the whole Congress. For years the advocates of suffrage have sought from the Committee on the Judiciary, in Republican and Democratic Congresses, a favorable report on this amendment. In this Congress they turned for relief to the Committee on Rules, asking the creation of a committee on equal suffrage. The Democratic members of the Committee on Rules defeated the proposition, but thereafter the Judiciary Committee reported out the suffrage amendment, and it was lost in the log jam of the House Calendar. The indefatigable advocates of suffrage thereupon turned to the Committee on Rules again, asking a special rule which would lift the amendment from the calendar and permit the House to consider it. In the meanwhile the Progressive on the committee, Mr. KELLY of Pennsylvania, had succeeded in putting through that committee a resolution providing that all roll calls in committee on the suffrage amendment should be public, and the country was soon to have the opportunity of witnessing the spectacle of four men keeping the Congress from the consideration of a matter which undoubtedly a majority of the Members were anxious to take up, for when the motion was made to report a rule for the consideration of the amendment the vote stood 4 to 4. Four negative Democratic votes killed the proposition, and there is no power in the House by which the opposition can be overcome. There was thereafter an official adjournment of the Committee on Rules to July 1, 1914, to consider again the resolution for a special rule for the suffrage amendment. When that date arrived no meeting was held. It was postponed until August 1, 1914. No meeting was held August 1, 1914, and the people and Congress and the advocates of suffrage still wait the pleasure of the Democrats on the Committee on Rules, and stand defeated in their proposition to let the people decide whether or not they can change their Constitution.

The Democratic leadership is apparently determined to halt in its reform of the rules at the point it was led by the popular revolt against Cannonism by the insurgents. The Republican leadership is continually sighing for the good old days, never failing to complain of the changes that have been made and manifesting clearly the determination to return to the old order of centralized control, if the House should be given to them by the people again. This attitude among Republican leaders is best evidenced by Senator ELIHU ROOT, of New York, who recently, in an address in the Senate, in referring to the Committee on Rules of the House under Speaker Cannon, which committee then was run by three men, said that it—

> Accomplished the nearest approach to responsible parliamentary government which this country has ever seen.

This, in its essence the basis of all belief in the boss system of government, is still the desire and design of Republican leadership.

THE BIPARTISAN MACHINE AND THE LOBBY INVESTIGATION.

The Progressives at the opening of the Congress proposed changes in the rules that would further improve them, and lift the House nearer and nearer a complete realization of its representative functions—a free House of Representatives, open in all its committees, effective, powerful, and truly representative. Their proposals were rejected, a record vote refused, and the demands they made have since been pigeonholed, although on the opening day the chairman of the Committee on Rules, Mr. HENRY of Texas, in debate promised that later changes would be granted.

The use of the pigeonhole, then, is as serviceable to the Democratic leadership as it was to the Republican leadership formerly. In this, as in most vital activities, the leaders of both old parties are in desire, purpose, viewpoint, method, and accomplishment identical. And it is because of this identity between the leadership that most of their battles become sham battles, and there has grown up in the House a bipartisan machine, greatly accentuated by the presence of a third and

independent party in the House, which bipartisan machine on vital occasions can side-step any issue, and which does.

Review, for instance, the investigation of the lobby. President Wilson, during the consideration of the Underwood tariff bill, complained that that legislation was menaced by an "insidious lobby." Shortly thereafter Col. Mulhall, who formerly as the paid representative of the National Association of Manufacturers had drawn, with other agents of that concern, out of the treasury of that association over $100,000 in his political activities, came out in an article charging a former, and Republican, régime in the House with collusion with the agents of this association in preventing progressive legislation, in dictating the appointment of Members on committees, in blacklisting certain Congressmen.

An investigative committee was selected. A majority of its membership was Democratic. But when the report was made, the Democrats and Republicans on the committee signed the same report. That part of the report made no recommendation. There was ample evidence upon which the Democrats might have held their traditional opponents, the Republicans of the old machine in the House, up to public condemnation. But all signed the report. There was one dissenting voice—that of a Progressive, Mr. MACDONALD, of Michigan. He condemned in unmeasured terms the machinations of the lobby and the machine in the House which had acted with it. In the investigation it also developed that Congressman McDermott, a Democrat, of Chicago, had received certain moneys from the treasury of the federated association of dealers in liquors in the District of Columbia during the pendency of legislation in which they were interested. Mr. MACDONALD, supported by the Progressives, offered in the House, when the report was submitted, resolutions providing that the House forthwith proceed to determine whether it should censure the officers of the National Association of Manufacturers, and proceed also to determine whether it should expel Mr. McDermott. An opposing motion to refer the whole matter to the Judiciary Committee was overwhelmingly carried and the matter permanently sidetracked. The Democrats and Republicans almost unanimously supported the motion to refer. The Progressives, believing that if a record vote could be obtained the result would be different, tried in vain to get such record vote. They were not in sufficient numbers to obtain it. The Judiciary Committee finally reported in favor of the censure of Congressman McDermott. In view of the certainty that, if the motion to censure was considered, a motion would be made to expel him, he resigned. Only a minority reported in favor of the censure of the officers of the National Association of Manufacturers, and nothing further has been done in this feature of the case.

SIDETRACKING THE PRESIDENTIAL-PRIMARY BILL.

On many other occasions the Progressives have asked for record votes on vital matters, notably on their attempt to change the rules and on a tariff-commission plan; and in most of the instances neither the Democrats nor Republicans would assist them in obtaining enough to make up the one-fifth which is necessary to have the roll of Members called.

The pigeonhole as a device for effectual opposition to demanded legislation is never overlooked by the Democratic leadership. In his first regular message to Congress President Wilson, responding to the spirit of the times, urged with the greatest emphasis that Congress pass a presidential primary law. There is great opposition to this proposition on both the Democratic and Republican sides. A Progressive, Mr. HINEBAUGH, of Illinois, had already introduced a bill to inaugurate this system. His bill still sleeps in committee. The exhortation of the Executive, voicing a profound popular desire and demand, has been disregarded. If the Democratic leadership ever does decide to report a measure bearing the name of presidential primary it will be mutilated to meet the objections of those in the House who cling to the oldest forms of the doctrine of State rights and will not be the measure the country is demanding at all.

Nor is the presidential primary the only Progressive demand that is sleeping in committee pigeonholes. The Progressives introduced a bill, through Mr. CHANDLER of New York, for an easier method of changing the Constitution, a most comprehensive measure of vital importance. It is untouched. So is the Progressive bill looking to the inauguration of a practical social insurance, by Mr. KELLY of Pennsylvania. So is the farm-credit measure, by Mr. HULINGS, of Pennsylvania. So is the Progressive measure for the creation of a national bureau of employment, the Progressive child-labor bill, the Nolan bill prohibiting the shipment of convict-made goods in interstate traffic, the equal-suffrage amendment, the bill creating a commission to adjust naturalization inequalities, the tariff-commission bill, the Progressive workmen's compensation bill, and others.

PROGRESSIVES FOR EFFECTIVE MEASURES, REGARDLESS OF ORIGIN.

While the majority party has not reported out these Progressive measures for the betterment of social and industrial conditions, the Progressives in Congress have not hesitated to give their hearty support to all meritorious measures whatever their origin, as in the instance of the bill for the Government construction of a railroad in Alaska. They would battle with equal willingness if they had the opportunity for an efficient farm-credit bill, as they battled to make more effective a campaign publicity measure, and as they strove without success to take the entire Postal Service, postmasters included, out of the spoils system, as proposed in an amendment offered by me on August 1 last and overwhelmingly voted down, while at the same time the Democratic leadership was busy taking the assistant postmasters out of civil service, as they had previously kept income-tax collectors, deputy marshals, and deputy revenue collectors out of the merit system. They would battle for an effective bill prohibiting gambling in cotton futures, as they have fought against the proposition of putting off on the cotton growers of the South, under the pretense of prohibiting gambling in cotton futures, a bill which, in fact, legalizes it.

The history of the cotton futures bill in this Congress is typical of the attitude of the two old parties in meeting the demands of the people. When the Underwood tariff bill was in the Senate there was added to it by Senator CLARKE of Arkansas a radical amendment against gambling in cotton futures. When the bill, after conference, reached the House that body receded from the disagreement with the Senate on this Clarke amendment and concurred with an amendment—offered by Mr. UNDERWOOD—which, as was pointed out in debate at the time, would not prohibit gambling in cotton futures, but which would legalize it. The motion in the House to concur with the Senate's proposition with this amendment was adopted by a narrow margin. The next day, as was to be expected, the Senate disagreed to the Underwood amendment, and, without waiting for action on the part of the House, destroyed the Clarke amendment by receding from it. The following day, against protest, the House receded from its own substitute. During these discussions assurance had been given that later in the Congress a separate measure dealing with this evil would be considered. Later a bill, introduced in the Senate and amended in the House, was passed. The bill passed will not suppress gambling. It will legalize it. The Progressives in Congress made every effort in their power to have this legislation effective, not sham. The best-known method of suppressing gambling in cotton is to prohibit the use of the mails in gambling transactions. This method is efficacious; and it was this method the Democratic leadership would not employ.

A CHANCE TO SUPPRESS COTTON GAMBLING AND FAILURE.

Here we have an illuminating set of circumstances typical of the methods of the leadership of the two old political parties. Under the scourge of an acknowledged evil, hurtful morally and injurious economically, the South had cried out for a quarter of a century against the gamblers on the cotton exchanges. The protest was given hope in this plank in the last Democratic platform:

> We believe in encouraging the development of a modern system of agriculture and a systematic effort to improve the conditions of trade in farm products so as to benefit both the consumers and producers. And as an efficient means to this end, we favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges or others.

Now, the Democratic leadership which had made this pledge to suppress was at last in power. It had the Senate and the House and the Executive. Virtually all the chairmanships of the great committees are held by southern Democrats. There could be no question about control. Palpably something must be done in redemption of that pledge to the cotton growers. But the proposition at once appealed to the Democratic leadership in a new light. This had been an infamous thing before they were in power. But now that they were in power, that they could afford relief, the question was not, How much relief can we bring by stopping this evil? but the question was, How much can we appear to be carrying out the pledges of the platform without stopping the evil? Their motto as public servitors is not "How much?" but "How little?" The pledge was to suppress gambling in cotton futures. The bill passed proposes ostensibly to correct the evil. Admittedly it will do no such thing. And a year hence gambling will be flourishing as before, the cotton growers will be victimized as usual, the Democratic plank will stand unredeemed, and the Democratic leadership will be talking solemnly of the need of amendments.

What is true of their attitude on the evil of cotton gambling is true on other major legislation, notably the currency legislation, a subject I will elaborate upon a little later in my remarks.

THE TARIFF—PROGRESSIVE, DEMOCRATIC, AND REPUBLICAN RECORD.

The first effort of the Democratic leadership after their accession to power was the tariff. The demand for a revision of the Dingley tariff law arose in 1904–5, and in 1908 the Republicans pledged in their national platform a revision. In 1909 the Republican leaders revised the law upward, not downward. A wave of great popular indignation swept the country. The Democrats carried the House of Representatives and at once began a revision of the tariff, one schedule at a time. These bills went to a Republican Senate, were considered there, and were passed on to President Taft, who vetoed them. In 1913 the Democratic leadership, having gained the Senate and the White House, took up as their first performance a revision of the tariff, and, unmindful of the fate of the high-handed Republican leaders who had preceded them, they resorted at once to those methods which were under universal condemnation—secret consideration in committee, caucus cloture, and random, haphazard, guesswork revision in an omnibus bill.

For the Progressives I offered at the first meeting of the Ways and Means Committee a motion that all meetings of that committee should be open. This motion was voted down. The tariff bill was framed by the Democratic members of the committee. It was then taken before the secret Democratic caucus and approved. And as it was approved by the caucus, so it went through the House, virtually without change. No matter how meritorious an amendment was, if the caucus had not indorsed it it was anathema. Let me illustrate: When the income-tax features of the bill were reached the larger incomes were not taxed in just proportion. To effect this I offered the following amendment, which was supported by the Progressives but overwhelmingly defeated by the Democrats and Republicans:

Amend, page 134, line 1, after the figures "$100,000," by striking out the numeral "3" and inserting in lieu thereof the numeral "6."

The purpose was to increase the tax on incomes in excess of $100,000 from 3 per cent to 6 per cent. Undoubtedly a great number of Democrats were for this proposition, for when an amendment levying a tax of 6 per cent on incomes above $500,000 was added in the Senate and came back to the House the Democrats supported it.

THE PROGRESSIVE TEST ON A TARIFF COMMISSION.

The attitude of the Republican leadership during the consideration of the Underwood tariff bill was shown in the perfunctory offer of amendments, many of them carrying the old duties of the Payne law. Coupled with this activity was a criticism by the Republicans of the method by which the Democrats were considering the bill. They had for the moment forgotten that when the Payne bill with its 4,000 items was considered in the House only five amendments were permitted to be offered—on hides, lumber, barley, barley malt, and oil.

When the Underwood tariff bill reached its final stages in the House, after its third reading and before its final passage, the Republican leaders offered a motion to recommit the bill with instructions, the chief feature of which was the creation of a makeshift tariff commission. This had been offered in the Committee of the Whole as an amendment and was held to be out of order. It was certain to be held out of order in the House. The point of order was made in the House against it, it was held out of order, and no record vote was had upon it. I offered immediately to that part of the Republican instructions remaining a substitute, the chief feature of which was the provision for a revision of the tariff on facts adduced by a nonpartisan, scientific tariff commission, one schedule at a time, with a record vote on each schedule. No point of order was made against this Progressive substitute. A standing vote was taken. Speaker CLARK announced that 17 had voted for it. I protested, inasmuch as there were 19 Progressives then in the House. These Progressives were Representatives NOLAN, BELL, and STEPHENS, of California; BRYAN and FALCONER, of Washington; LAFFERTY, of Oregon; LINDBERGH, of Minnesota; WOODRUFF, of Michigan; COPLEY, HINEBAUGH, and THOMSON, of Illinois; KELLY, HULINGS, LEWIS, RUPLEY, TEMPLE, and WALTERS, of Pennsylvania; CHANDLER of New York; and myself. Mr. MACDONALD, of Michigan, had not been seated at that time. The 19 Progressives signed a paper addressed to the Speaker declaring they had voted for the Progressive substitute. Speaker CLARK announced that he had received the paper, explained the difficulty of counting standing votes, and asked unanimous consent to change the 17 to 19. This was accorded. During the contest I attempted to obtain a record vote upon my substitute. A demand of one-fifth of those present is required to obtain a record vote. We were not strong enough numerically to obtain the one-fifth. We could have secured it had we enjoyed the help of the Republican leadership. It was not given. No record vote was secured. That is, the Republican leadership, which has been loud in its protestations of advocacy of a tariff commission, when given the opportunity to vote on the commission proposition did not avail themselves of it. The omnibus Underwood tariff bill was amended 676 times in the Senate. These amendments were, of course, vital. Again, in secret, the Democratic members of the Ways and Means Committee in the House and the Democratic members of the Finance Committee in the Senate met and agreed upon the items in dispute. Then all members of the conference—the Republicans and myself, as a Progressive—were invited in, and in a perfectly perfunctory manner the 676 items in dispute were adjusted in exactly seven minutes. I was a member of the conference and made note of the time.

MAKING A RANDOM TARIFF IN SECRET.

This is the history of the Underwood tariff bill. It began in secret and ended in secret. The bill which was reported out of the Democratic portion of the Ways and Means Committee was the same bill reported out of committee, then out of caucus, and finally passed through the House. It was an omnibus bill. It could not be comprehended by the membership of the House. No single mind in the course of desultory and perfunctory debate can grasp the thousands of items which make up a tariff bill and which affect vitally every line of business in the United States.

The bill developed, however, the attitude of the three parties as to general tariff policies. The Democrats developed an anomalous attitude, based partly on a traditional belief in free trade, in this instance applied ruthlessly to the cereal farmers, a doubting desire for revenue duties, and a more or less anxious concern for protective duties where Democratic sentiment demanded them. The Republicans stood, as before, for a prohibitive protective tariff, defending the high duties of the Payne-Aldrich bill, and giving every evidence that, if restored to power, they would reenact that measure so completely repudiated by the people. The Progressives stood for a revision of the tariff, one schedule at a time, on facts adduced by a nonpartisan scientific tariff commission, with the rates of duty based, not on the prohibitive principle, but on the protective principle, under which conditions of competition between the United States and foreign countries should be equalized, both for the manufacturer and the farmer, with the maintenance of an adequate standard of living for the men and women in the industries affected by these schedules, to the end that the home market might not only be protected, but that industry might be strengthened for its conquest of foreign markets.

The Democratic tariff has done none of the things which it was claimed it would do. The Democratic leadership had claimed for years that the prevailing tariff had nurtured and maintained the great combinations which under a grant of special privilege dominated the business of the Nation and preyed upon the people. The contention was made by that leadership, over a long period of time, in campaign and out of campaign, that if the Democratic leadership were given a chance to revise the tariff, "the mother of trusts," the strangle hold of the great combinations could be broken. The Underwood tariff has been the law of the land for over a year. It has nowhere broken the power of the trusts or disturbed them. It has, on the contrary, by its disturbance of general conditions, inevitable in a random, guesswork revision, menaced the smaller and independent factors in trade to the advantage of the great and predatory combinations.

Similarly the increasing cost of living in America had long been ascribed by the Democrats to their absence from power and their inability to revise the tariff. Given that power, and the tariff revised by the Democratic leadership, and the cost of living was not reduced. It has increased.

And while neither disturbance to the great combinations nor a reduction of the cost of living followed the passage of an omnibus tariff bill, the desirable independent factors in manufacture were hurt, the farmer was injured, and the burden upon the back of labor was heaped higher.

Here then was an achievement which resulted in no good and infinite harm.

OSTENSIBLE ACCOMPLISHMENT VERSUS ACTUAL RESULTS.

But for the moment the Democratic leadership, after the enactment of the Underwood bill, evidenced much and smug satisfaction. It had revised the tariff. This attitude is an indispensable key to a correct understanding of the economic

history of the United States in the last 18 months. There was a popular demand for a revision of the tariff downward. The Republican leadership denied that demand. The Democratic leadership responded to it. And both miserably failed in results, and the Nation is interested alone in results. Under prevailing methods any political party will fail to get satisfactory results. There is only one way to revise the tariff with satisfactory results and with safety and justice to all—that is the Progressive way—the revision of the tariff one schedule at a time upon data adduced by a nonpartisan scientific tariff commission, with the rates based on the protective principle enunciated in the Progressive national platform, which I have previously set forth. The Progressives were after results, beneficial results, to all the people. The Republican leadership, true enough, wanted results—the results of a prohibitive protective tariff to the favored few. The Democratic leadership was not after results—it was set on putting through a program regardless of results. The tariff was to be revised. The Democratic platform had promised it. They revised it. This anxiety to put through a program, regardless of the effects of legislation, has characterized most of their activities on major matters in this Congress. They have been bent on keeping the word of promise to the ear, with no concern whether they broke it to the hope. They are paying the penalty to-day, for their random tariff has not fulfilled the pledge either in curbing the trusts or reducing the cost of living.

THE RETREAT FROM REAL CURRENCY REFORM.

The same impeachment lies against the Democratic leadership in the matter of currency legislation. Before the Republicans went out of power, and after the Democrats had secured the House of Representatives, a commission was appointed to investigate the Money Trust. A majority of this commission were Democrats. After full and complete investigation these Democrats found that a Money Trust existed; that it held its tremendous power over credit in the United States by certain well-defined, pernicious practices in Wall Street. These Democrats made an exhaustive report to Congress and they embodied in their report, specifically and in terms, amendments to the laws designed to break up the Money Trust. But when the new currency bill was in preparation these recommendations were shoved aside. As a framework to the new currency measure, the plan, known as the Aldrich plan, which with its 50-year franchise to a central bank had been generally condemned, was liberally drawn upon.

The bill as reported out of the committee was considered in secret Democratic caucus. It is reported that an effort was made in the caucus to incorporate in the new measure some of the recommendations of the Money Trust commission, including the prohibition of interlocking directorates. These were voted down. When the bill reached the House it was given the same perfunctory consideration which had characterized the tariff bill. For the Progressives I offered the amendments which the Democratic Money Trust commission had recommended. These amendments were voted down by Democrats and Republicans. The Democratic leadership, so far as currency legislation was concerned, was taking a mincing, timid half step when in power, where a year before, out of power, it had pointed the way to complete remedy and had criticized its opponents for not taking the full step. Legislation for farm loans, properly a part of this legislation and urgently demanded everywhere, was barred out. The currency bill, a bank bill which provides for the creation of Government money, redeemable by the Government, issued to the banker at a low per cent, money based on his assets, money to be loaned by him to his customers at any per cent he desires, was passed. Although there was much long and eloquent speech making that one of the purposes of the bill was to reduce the power of New York City over credits, among the men selected as a member of the controlling Reserve Board was a Wall Street banker, Mr. Warburg, popularly reputed to be the author of the old Aldrich plan. As part of the new currency law the old Republican Aldrich-Vreeland emergency currency measure was included. This provided for an emergency currency to an amount not exceeding $500,000,000. This law was bitterly condemned by the Democratic leadership at the time of its passage. Now, it was taken over and the rate of interest to be charged the banker for its use reduced. Recently this part of the new currency law was amended in the House over my protest by removing the limit of $500,000,000 and making the amount that may be issued unlimited. And in one week recently the bankers took out $165,000,000 of this emergency currency, at a cost of 3 per cent to them, when call money in New York was 8 per cent and clearing-house certificates 6 per cent.

The farm credit currency measure still sleeps in committee. The provision in the currency bill that passed which provided for loans by banks on farm lands is a pretense. It does not operate. It will not. The bankers know this. The farmers are discovering it.

When the currency bill was before the House for final passage, Mr. WALTERS, of Pennsylvania, offered for the Progressives an amendment prohibiting interlocking directorates. A record vote was obtained. The proposition received only 101 votes and was lost.

THE FEEBLE DEMOCRATIC ATTEMPT AT ANTITRUST LEGISLATION.

When the trust proposition was brought before the Congress for consideration the Democratic leadership in the House presented three propositions: (1) The creation of a trade commission, (2) regulation of the issue of stocks and bonds of interstate carriers, and (3) amendments to the Sherman antitrust law, seeking to give further definitions to the courts under that act. The trade commission proposed by the Democrats in the House was a purely investigative commission without adequate power. The amendments to the Sherman antitrust law were mostly random, groping provisions which, if they became law, would further confuse and muddle the whole question. It was plain that if the question was to be handled effectively at all, and the country saved from further depredations by the great monopolies, it was necessary that the whole subject be approached with a determination to avoid damaging delay in the courts, and to bring to bear upon the whole question sanely constructive solutions of the problem. The dissolution of the Standard Oil Co. and the Tobacco Trust, which resulted, not in dissolution, but in advantage to those in control of these commercial monsters, challenged every publicist. Plainly, to follow in the direction in which the Democratic leadership led was to travel the old useless circle from the doubting Congress to the hesitant Attorney General, to the delaying courts, and back to Congress again. So I offered for the Progressives a concrete, comprehensive, and constructive plan for the solution of the problem. The plan was embodied in three bills.

These three bills do not confound big business and monopoly. They do not attack the form of monopoly, but they do attack its substance. They recognize that there are monopolies which have grown from natural causes and monopolies that have grown from unnatural and illegal practices. They eliminate both kinds of monopolies. They recognize the beneficence of cooperation, but they differentiate between beneficent cooperation and the deadly forces of monopolistic combination; and they would give honest business full information as to just what it can and what it can not legally and properly do.

The Progressive bills, in a word, provided for a strong administrative trade commission with power to find the facts and to act upon them; with the business of directly determining the existence of monopoly, the basis of that monopoly, and the manner of suppressing that monopoly. The first Progressive antitrust measure created a strong trade commission. The proposed Democratic trade commission was a feeble board with nothing more than investigative powers and dependent upon the virtues of an optional publicity which an existing Bureau of Corporations has invoked for years in vain. The second Progressive bill gives the trade commission power to order an offending corporation to desist from unfair trade practices, which are defined, and, upon the corporation's refusal to do so, provides that the commission may apply to the courts for the enforcement of its orders. The third Progressive antitrust measure provides that whenever a corporation exercises control over a sufficient portion of a given industry or over sufficient factors therein to determine the price policy in that industry the commission may determine that such concern exercises substantially monopolistic power, which power is declared to be contrary to public policy. Having so determined, the commission is then empowered to determine upon what basis this monopolistic power rests—artificial bases or natural bases. Artificial bases are acts of unfair competition, which are defined; natural bases are the control of natural resources, of transportation facilities, of financial resources, of any economic condition inherent in the character of the industry, including patent rights. If the monopoly should rest on artificial bases, the commission is empowered to order the concern to desist from its acts of unfair competition and to call upon the courts to enforce its orders. If the monopoly should rest on natural bases, it is made the duty of the commission to issue an order specifying such changes in the organization, conduct, or management of the monopoly as will promptly terminate the monopoly. If the monopoly resists the order of the commission, then the commission may apply to the courts for the appointment of a supervisor for such concern, with power to carry into effect the commission's orders.

This is, in brief, the Progressive plan. It was simple, direct, and constructive.

THE PROGRESSIVES, THE DEMOCRATS, THE REPUBLICANS, AND THE TRUSTS.

The Democratic proposal, a feeble commission and added definitions to the Sherman antitrust law, left the whole problem to the courts. The proposal was blind, timid, hesitant, halfway.

The Republican leadership offered nothing. It apparently favored further exposition by the courts of the Sherman antitrust law as it stands.

The attitude of the Democratic leadership has been that of the blind leading the blind. The attitude of Republican leadership that of those who had determined to stand pat and stand still. The Progressives pointed a new, straight, direct way to an adequate solution of the problem. When the Democratic proposals were under consideration I offered the Progressive propositions. They were voted down. On the passage of the Democratic trade commission measure I offered the strong Progressive trade commission proposal. It was rejected.

THE TARIFF, THE CURRENCY, AND THE ANTITRUST RECORD.

I have given the legislative history of three major measures in the House.

In the case of the tariff bill the Progressive tariff commission plan offered to the House was not supported by the Republican leadership, which is loud in its advocacy of such a commission.

In the case of the currency bill the strong amendments prepared by the Democrats of the Money Trust Commission were offered in the House by the Progressives and the Democratic leadership rejected them.

In the case of the antitrust bills the strong, clear, comprehensive, constructive measures offered by the Progressives were opposed by the Democratic leadership, which was groping, and the Republican leadership, which was stationary.

THE MISSION OF THE PROGRESSIVE PARTY.

Through all these issues and the contests which have grown out of them the Democratic leadership has been constructive only in so far as it was necessary to consummate a program, to do something and to declare it done. The Republican leadership has carried its party into a negative position, where its chief activity has been largely a lively hope of future party prosperity through the mistakes of the Democratic majority.

The one party has played to retain its party power. The other has played to regain its party power. The Progressives have sought to serve all the people, regardless of party or party power.

Far from exercising mere partisan opposition, the Members of the Progressive Party have introduced in the House the practice of giving whole-hearted support to desirable legislation, no matter what its origin. They supported the Cullop amendment, providing that the President make public all indorsements of applicants for judicial place, a Democratic pledge which Democratic leadership has repudiated. They supported the Alaskan railroad bill. They have fought to make all conservation measures more effective. They have advocated adequate appropriations for the new Children's Bureau, which were being withheld. They opposed with virtually a united front the proposition to surrender to Great Britain our sovereign rights in the Panama Canal. They have at all times exercised the right to vote as they believed they should vote, without trammel of party caucus, without let or hindrance of party prejudice. And they have been first in the initiation of constructive legislation for the advancement of the democracy.

For the Progressive Party has endeavored to have Congress write into concrete terms of law exact justice; to establish direct popular government, so that the people, and the people alone, shall rule; to frame in the open, sanely, understandingly, a tariff which would not only maintain prosperity but pass prosperity around; to institute currency reforms which would destroy the tyranny of the credit monopoly and grant special privilege in money issues to none; to enact antitrust laws that would be at once destructive to dishonest business and a guide and protection to honest industry and commerce. The Progressive Party has offered in fulfillment of its covenant with the people, made in its national platform of 1912, measures for the betterment of industrial and economic conditions, measures to establish social and industrial justice, measures to make representative government more effective and more responsible. It has placed right above wrong, justice above injustice, national need above sectional advantage, the public weal above private profit, and man above mammon. It deserves no less credit because its proposals have been rejected, for, moved by the high ideals and the aspirations which gave it birth, it is marching on, confident that service will triumph over sham, light over darkness, that truth will prevail against technicality, that patriotism will eventually overslaugh partisanship, confident that the people, through a new party, willing to serve and to give to the Government in full measure the devotion which will bring to all men and women complete representation and a square deal, will come at last into their own.

Mr. RAKER. Mr. Chairman, on the amendment offered by the gentleman from Wyoming there is practically one important matter that is involved after the general understanding of what can be done is agreed upon. The gentleman from Wyoming, and, in fact, all so far, concede that the Government can sell or lease its public domain upon conditions the same as a private individual may lease or sell his holdings, under conditions. That being agreed upon—and I understand the gentleman from Wyoming concurs in it—the question then comes whether or not the amendment of the gentleman from Wyoming is wise in a State where the entire plant is located and where the entire output is to be sold.

This bill provides, in section 9, that if there is a public-service commission in that State it fixes the price that the consumer is to pay. It fixes the question of the relation of the issues of bonds and stock; in other words, regulates it as a public utility for the interest of the consumers.

Now, having come to the conclusion or determination that the Government may lease its land to be used in developing a power plant, which plant, perchance, is located in the corner of some one State, it is of necessity, without any extension—or in its ordinary force would be—in two or three or four States. There are many cities located on the border, part of the city in one State and part in another, and some in three States, and others that are very close to the border. The purpose of the bill as reported by the committee is that the Government, having the ownership of the land, and the line going into several States, may regulate the question of the price to the consumers, so that all under that system would be treated alike, notwithstanding they may be but a few miles apart, one in one State and one in another, and that the question of the issuance of the bonds and stock would all be under the control of the one power. Without any national law, the committee believed that the Secretary of the Interior, representing the Government, should stipulate that when you accept this lease you must comply with a condition fixed therein as to supplying power to your consumers in two States if it goes into two States, as well as to the issuance of bonds and stocks, so that, as stated, all would be under that one service, although they may run in two States, and the consumers would be treated alike and receive power at the same price.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MONDELL. Does the gentleman contend that a private individual leasing land for power purposes could legally make it a condition of the lease that if the power was delivered in more than one State the public-service commission of the State could not have any control over the enterprise?

Mr. RAKER. No; I do not make any such contention as that.

Mr. MONDELL. That is what the bill does.

Mr. RAKER. No; I do not think so.

Mr. MONDELL. It says the Secretary of the Interior shall control.

Mr. RAKER. I believe, notwithstanding our attempt to legislate here upon a condition fixed in the lease, because of the fact that the Government owns the land, if a man installs a complete plant to furnish electric energy to a city or community, he then comes under the law of the State, if there is one in that State, as to furnishing electric energy for those who receive it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] offers an amendment to the first part of section 3, which takes away from the Federal Government all of the right it has to control the water powers generated on its own lands. I have carefully copied and read the amendment of the gentleman, and it is carefully worded, being clipped from some other bill he introduced, and surely the House does not want to adopt it or any other amendment like it. I call attention to the fact that five or six of the Western States have no public utility commissions at all. I want to know who in fact would regulate the charges for water powers in those States. There can be but one answer to that, and that is they would escape any regulation at all. Again, it is a matter of the gravest sort—and I do not think any considerable portion of the House would think of doing it—to absolutely cut off

all of the right of the Federal Government to control what goes on on its own property.

Listen to what the gentleman's amendment provides:

That all leases shall be granted upon the condition and subject to the reservation that at all times during the use and enjoyment thereof, and of the water appropriated and used in connection therewith, the service and charges therefor, including all electric power generated or used in connection therewith, shall be subject to the regulation and control of the State within which the same is used and subject to the fixing of the rates and charges for the use thereof and the issue of securities by such State or under its authority.

The moment the transmission line carrying electricity crosses the State line, then if they had a public utility commission the State would lose control; but in those States where they have no public utility commissions, and there are four or five or six of them, I want to know who would control the water-power companies?

Mr. MONDELL. The gentleman understands that under my amendment the State in which the power was used would have complete control.

Mr. FERRIS. In the bill a later section provides that where the power is generated in a State and used in a State, and the State had a public utility commission, the public utility commission governs; but in a State where there is no public utility commission, and doing interstate business, I ask, under the gentleman's amendment, where we would have any regulation at all. There are some people who will even object to allowing the State public utility commission to control, even on strictly intra business, but surely everyone who is friendly to legislation of this sort and who is at all favorable to Federal control of water power would be opposed to the gentleman's amendment.

I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 1, noes 20.

So the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I do it especially to inquire as to the reason that prompted the committee in permitting the authorization of combination of plants and of these various distributing lines.

Mr. FERRIS. Mr. Chairman, that amendment on its face would to one who had not given it consideration seem subject to criticism; but I can do no better than call the gentleman's attention to the proposition where two or three little power companies with small dam sites are required to make up a complete system of electric lighting in a city. It would certainly be folly and duplication of work and expense, as was shown by the best authorities that appeared before us, including ex-Secretary Fisher and others, to have two or three companies dabbling away at it, just like a duplicate telephone system in a town. The gentleman no doubt has towns in his district where two companies are dabbling at the telephone business, neither of which can give good service, but both of which are trying to give duplicate service. If you go to a telephone and call up somebody, they tell you that it is on the other line. Therefore every business man in the town puts in telephones of the two telephone companies for certain service. So it is necessary in the interest of good administration, as urged by all the authorities who appeared before us, engineers, and so forth, to say that in one case it is necessary, while in the other case it is vicious to have such a combination.

Mr. STAFFORD. I can understand, so far as the illustration in reference to the telephone companies is concerned, as to the need of having but one telephone system in a municipality in reference to a service which they both serve, but under the authorization as here given I can conceive that it might be gravely abused, for here is authorization for a combination, as you may say, or for one gigantic trust to generate electric power. The very purpose we are seeking after is to establish competing generating plants, where there is a public demand, under public supervision and control; and yet here——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. STAFFORD. Under this authority you are giving the Secretary the power of allowing all these plants to be combined into one gigantic water-power trust.

Mr. FERRIS. Will the gentleman yield?

Mr. STAFFORD. While that is hard to conceive, yet I can realize how it may be abused by some Secretary, or through influence and connivance with subordinate officials in control. I yield to the gentleman, but I desire to ask him another question.

Mr. FERRIS. I want to call attention to the last part of the paragraph, which expressly prevents and prohibits combinations when there is anything tending to monopoly or agreement to raise prices and other various things mentioned; in other words, to increase the prices of electric energy.

Mr. STAFFORD. But the gentleman knows that all of these combinations claim that they are not for the purpose of raising prices, and yet we know that the monopoly is for the purpose of getting a large profit and ultimately raising prices. They are claiming, of course, that it does not raise prices. The gentleman anticipated me, because I want to ask him why should we in this bill try to supplement the Sherman antitrust law in the provision which was referred to by the gentleman? What is the need of that qualification? It says that combinations, agreements, arrangements, or understandings, expressed or implied, to limit the output of electrical energy are hereby forbidden. In fact, such practices are forbidden under the Sherman antitrust law. The Supreme Court has construed that law. It is a matter of serious concern whether we should add to or supplement the Sherman antitrust law when there is nothing gained and much confusion may result by inserting it. Does not the gentleman believe that the Sherman antitrust law would apply without that qualifying language?

Mr. FERRIS. Probably, yes; if the gentleman will pardon me, but water power is in its infancy. Twenty-four years ago there was no such thing as water power generating electricity. The first plant was stationed in Colorado in 1890, 24 years ago. I think the gentleman, good lawyer that he is, will always recognize the fact it is better to have the laws all incorporated together, all reading together, and all construed together and standing as a legal entity.

Mr. STAFFORD. The gentleman will realize that the Sherman antitrust law has a well-defined application and a well-defined construction, and though not intended originally to apply to water powers, because not then in existence, they are included in its application and extent. I question very seriously whether we should attempt by special legislation to supersede or supplement the Sherman antitrust law when it is understood that that law fully applies to such a combination.

Mr. BRYAN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BRYAN. Does not the gentleman believe that if this added clause which he complains about is not included in the proviso the first part of the proviso will probably have the effect of repealing the Sherman antitrust law in so far as water power is concerned?

Mr. STAFFORD. Not at all. The first part of the proviso only applies to the physical combination of plants and of lines; nothing more; and it is in that part of the proviso which forbids combination, monopolies, and unlawful agreements and discrimination that you are applying language that has not been construed by the Supreme Court; you are placing in here a provision that has never been interpreted by the court.

Mr. BRYAN. It seems to me the clause beginning with the word "but" there shuts out what would be an attempt on the part of water-power users to say this act repeals the Sherman antitrust law.

Mr. STAFFORD. The gentleman recognizes the court would construe this as supplementing and virtually superseding the Sherman antitrust law, and that there will be another suspense as to the interpretation to be given to this provision by the courts, and it might be held that the Sherman law had been superseded and not considered as applicable.

Mr. BRYAN. That will not hurt anybody who believes in the enforcement of the law.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CLINE. I want to ask for a little information, Mr. Chairman.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. CLINE. Mr. Chairman, I speak in opposition to the amendment offered by the gentleman from Wisconsin.

Under this provision that prohibits combinations, does this bill, or this particular section of the bill, meet, for instance, this situation: I have in mind a company that generates electricity. That company sells the electricity and has nothing to do with the transmission of it. It sells it to a transmitting company. The transmitting company has nothing whatever to do with the generation of the electricity and nothing to do with the distributing of it, but that company sells to a third company, which is a distributing company. Of course, it is evident, especially where the majority of the directors belong to each indi-

vidual company, and yet each company is organized under the State in which it exists as a separate and distinct corporation, that that must tend to increase the charge which the consumer must pay. Does this particular section meet that condition?

Mr. FERRIS. They can not sell more than 50 per cent of the power to anyone, and there is a section later on that prevents them from selling to anyone else except with the consent of the Secretary of the Interior.

Mr. CLINE. It can not sell to a holding company?

Mr. FERRIS. Not without the consent of the Secretary of the Interior.

Mr. CLINE. I am referring to the section now under consideration. These companies are absolutely distinct organizations, organized in the State in which they are operated, and have no relation whatever to each other in the generation, transmission, or distribution of electricity. My inquiry is whether this section will meet that condition? Neither one of the companies is a holding company for the other two.

Mr. FERRIS. Let me call the attention to section 4, where it says:

> That except upon the written consent of the Secretary of the Interior no sale or delivery of power shall be made to a distributing company, except in case of an emergency, and then only for a period not exceeding 30 days, nor shall any lease issued under this act be assignable or transferable without such written consent.

The thought we had in mind was exactly what the gentleman thinks—that they might peddle it around to a distributing company and on to another distributing company, until it would be hard to fix the responsibility and rate of charges. Our thought was that each time when they sought to do it, if they had to come in and get authority, the Secretary could guard the conditions under which the transfer was made and could control the service and rates, and still keep the power well guarded in the interests of the public.

Mr. CLINE. It is not practicable for a generating company to transmit and distribute the electricity.

Mr. FERRIS. I take it the gentleman does not make that as a uniform condition, but in many cases it is true.

Mr. CLINE. If that be true—of course, it is the information of the chairman—I understand that a company generating hydroelectricity could generate it, transmit it, and sell it to the consumer?

Mr. FERRIS. Not necessarily that. We do think it necessary for them to get permission so to do before it is done, so that the Secretary who grants that authority can see to it that all of the interests are guarded.

Mr. CLINE. And if they get that permission, the Secretary of the Interior would sufficiently scrutinize the application so as to prohibit any increase of prices unduly to the consumer?

Mr. FERRIS. The thought of the committee was that he specially should have that responsibility, it being necessary for him to pass upon the advisability of the sale and insert and incorporate in the assignment such conditions and regulations and constraints as would protect the consumers and the public.

Mr. SCOTT. Mr. Chairman, I observe that section 3 confers upon the Secretary of the Interior the power to regulate and control the service, charge for service, and issue of stocks and bonds. I would like to ask the chairman of the committee whether it is his understanding that the language as to regulation and control involves the power to initiate and fix the rates charged consumers?

Mr. FERRIS. Does the gentleman desire an answer at this point?

Mr. SCOTT. Yes.

Mr. FERRIS. Our thought was very clear that the Secretary had the right to fix the rate and would fix the rate at the inception of the contract, which would be incorporated in the lease, and which would enable him to regulate it from time to time as the facts might warrant.

Mr. SCOTT And under this law the lessee would have no power to originate and fix a rate?

Mr. FERRIS. That is very true; and it being a public utility—and I think that theory is pretty generally accepted now—they would be subject to regulation from the start, and at the finish, and at all intervening points.

Mr. SCOTT. I am not speaking of the regulation. I am speaking of the power to fix the rate being vested in the Secretary and being withheld from the lessee.

Mr. FERRIS. Does the gentleman think the power to regulate involves the question of fixing the rate?

Mr. SCOTT. Possibly the right to control might involve the right to fix. Assuming that this law does vest in the Secretary of the Interior the right to initiate and fix the original rate, will the chairman tell me what is meant by this latter clause in the section which prohibits the joint lessees from entering into agreements to fix or to maintain or to raise rates? If they have no power whatever to originate or initiate a rate, what office does this prohibition against this fixing the rate in the latter part of the section serve?

Mr. FERRIS. The gentleman is fully aware that all public utilities, railroads, telephones, and all carriers, have no right to fix rates in toto, but they are all subject to the jurisdiction of the Interstate Commerce Commission. While the Sherman antitrust law and the various amendments that have been added to it were all for the express purpose of keeping down trade agreements that oppress the public.

Mr. SCOTT. I am aware of the contrary proposition that a railroad has the power to fix a rate, the power in the Interstate Commerce Commission being only to regulate the rate so fixed.

Mr. FERRIS. Oh, well, that amounts to the same thing.

Mr. SCOTT. Oh, no.

Mr. FERRIS. If the Interstate Commerce Commission has the power to sweep away at any moment the rate charged, to raise it or lower it or remove it, what difference does it make who puts in the original rate or schedule of the original contract, or what difference is it who says what shall be charged on the first day it starts up? The test is who really has power to regulate it, fix it, and so forth.

Mr. SCOTT. The Interstate Commerce Commission in the case of railroads has no such power as the gentleman suggests. What I am at a loss to know is, Where is the power vested to fix the original rate? Is it in the lessee or in the Secretary?

Mr. FERRIS. Certainly it is not in the lessee, and nobody would want it to be in the lessee. To do that would be to be without regulation at all.

Mr. SCOTT. What possible influence can this latter provision have which prohibits the raising or the fixing or the combining to maintain? Is not that wholly superfluous? When could it be invoked?

Mr. FERRIS. I think not at all.

Mr. SCOTT. When could it be invoked, and under what circumstances?

Mr. FERRIS. Does the gentleman want to place his sanction upon two power companies getting together to restrain trade, or to limit the amount of electrical power generated, or to enter into a gentleman's agreement to oppress the public and raise the price to an unconscionable degree?

Mr. SCOTT. Oh, no.

Mr. FERRIS. And the gentleman would not place a ban upon the proposition to break down such a practice?

Mr. SCOTT. That could not arise unless the power were vested in the lessee.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. SCOTT] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. RAKER. Under the statement made by the gentleman from Iowa there would be unquestionably no necessity for the latter provision, because both corporations would be regulated as to the price they would charge to the consumer. But here is only one corporation, or one individual, obtaining this right from the Government. It is true there may be another on the other side that desires to connect, that did not obtain its rights or any part of them from the Government.

Mr. SCOTT. Then it would not fall within this section. This section provides for two companies that receive their leases by reason of the provisions of this law.

Mr. RAKER. It does not mean that.

Mr. SCOTT. It plainly says so. It says, "The physical combination of plants or lines for the generation," and so forth, "under this act." If anyone can tell me or can conceive of a case that could possibly arise that would meet that provision, unless the lessee has the right to fix the rate at some time, I would like him to do it.

Mr. RAKER. Can not the gentleman conceive of a plant that does not obtain its right under the Government? One other plant might obtain its rights from the Government, and the two might combine.

Mr. SCOTT. Not under this section. This section permits the combination of the physical plants which have been constructed under this law, and those only, and therefore it can only apply to those plants.

Mr. RAKER. What is the gentleman's contention?

Mr. SCOTT. My contention is that either one of two propositions is true: Either the power to initiate the rate rests with the lessee or the latter proviso is meaningless.

Mr. RAKER. This refers to only the physical combination.

Mr. SCOTT. No; it refers to the combination to raise and fix rates.

Mr. RAKER. You are speaking of the proviso, the first part?

Mr. SCOTT. And therefore the courts will not adopt an interpretation of the law which renders half of the provisions of the law meaningless unless forced to do so. Therefore it seems to me the courts would interpret "regulation and control" in the same way that they interpret it in the interstate-commerce law, and not so as to give the power to initiate the rate. It is simply a question as to whether this law would confer a greater power in the Government of fixing rates here than the present Interstate Commerce Commission act does upon the commission. Our commission, you know, can not initiate the rate.

Mr. FERRIS. Mr. Chairman, let me interrupt the gentleman. The gentleman is troubled about the proposition. The gentleman knows that in a railroad proposition they fix up the schedule of rates and submit it, and the Interstate Commerce Commission can accept it or reject it. The power is really in the Interstate Commerce Commission and not in the railroads at all.

Mr. SCOTT. No; I do not know anything of the kind. I know the railroads can fix up the tariffs and file them under the law with the Interstate Commerce Commission.

Mr. FERRIS. And the Interstate Commerce Commission can change them.

Mr. SCOTT. Not until they are attacked. They must attack the tariff. They can not initiate the rate.

Mr. FERRIS. Does not the gentleman think that that language, if stripped of all flimsy fancy, means that the party fixes the rate who has the power to raise or lower the rate? To say that the Interstate Commerce Commission comes in and raises or lowers the schedule is, to my mind, nothing more than an application of the fact that the Interstate Commerce Commission can state what the rate shall be. I can not grasp the technical views of the gentleman when he continues to argue who initiates the rate. To me it is a question of who has power to fix it, to change it; in short, to make it what it should be. The Interstate Commerce Commission can sweep them away or change them—lower or raise them.

Mr. SCOTT. There may be nothing in that contention. However, the railroad companies of this country for nearly 25 years thought there was a great deal in it, and they maintained constant litigation and contention over that point for years.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. SCOTT] has expired.

Mr. FERRIS. How much further time is desired on this section?

Mr. MONDELL. I will say to the gentleman that I have two amendments to offer.

Mr. FERRIS. How much time does the gentleman desire? We must get on.

Mr. STAFFORD. I should like five minutes.

Mr. MONDELL. Let me say to the gentleman from Oklahoma that I do not believe it will be possible to arrange for closing the debate on the entire section at this time.

Mr. FERRIS. I think we ought to.

Mr. MONDELL. I have two amendments.

Mr. FERRIS. How much time does the gentleman desire?

Mr. MONDELL. No one knows how much time will be required on these amendments.

Mr. SMITH of Minnesota. I should like 10 minutes on the whole section.

Mr. STAFFORD. I suggest, if the gentleman from Minnesota is going to speak generally on the section, let him speak, and then let the gentleman from Wyoming offer his amendment.

Mr. MONDELL. I shall ask five minutes on each of my amendments.

Mr. FERRIS. I wish the gentleman would let the amendments be read for information, and then let us fix the time. Is the gentleman willing to do that?

Mr. MONDELL. I shall be glad to send up my first amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] has the floor.

Mr. FERRIS. He yields for that purpose.

Mr. SMITH of Minnesota. I yield for that purpose, but not out of my time.

Mr. FERRIS. I ask unanimous consent that the two amendments of the gentleman from Wyoming [Mr. MONDELL] be read for information, so that we may then try to fix a limit of time on the paragraph.

The CHAIRMAN. Does the gentleman from Minnesota yield the floor for that purpose?

Mr. SMITH of Minnesota. I do.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks that the two amendments to be proposed by the gentleman from Wyoming [Mr. MONDELL] be read for the information of the committee.

Mr. MONDELL. I have only one prepared, Mr. Chairman, which is to strike out, after the word "provided," in lines 2 and 3, on page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, after the word "provided," in line 3, strike out the following words: "That the physical combination of plants or lines for the generation, distribution, and use of power or energy under this act or under leases given hereunder may be permitted, in the discretion of the Secretary."

Mr. FERRIS. Is that the only amendment?

The CHAIRMAN. The gentleman from Wyoming stated that he had two amendments.

Mr. MONDELL. I have not the other amendment prepared at this time.

Mr. FERRIS. Is the gentleman willing to close debate on this, and let the other one be offered and voted on?

Mr. MONDELL. If I can have 10 minutes, I am perfectly willing to take the 10 minutes on the two amendments when I offer the other one.

Mr. FERRIS. I ask unanimous consent that at the expiration of 30 minutes debate on this amendment and all amendments to this section be closed.

Mr. STAFFORD. It is very hot and oppressive to-day. We have hardly more than the membership of the gentleman's committee present.

Mr. FERRIS. We do not have to finish to-day. Let us get the debate closed.

Mr. STAFFORD. I hope the gentleman will not press that.

Mr. FERRIS. I ask unanimous consent to close debate on the amendment and all amendments to the section at the end of 30 minutes.

Mr. STAFFORD. I think I shall have to object to that.

Mr. FERRIS. That will carry it only to 10 minutes after 5 o'clock.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to close debate on this amendment and all amendments to the section in 30 minutes. Is there objection?

Mr. STAFFORD. I object.

The CHAIRMAN. The gentleman from Wisconsin objects. The gentleman from Minnesota [Mr. SMITH] has one minute remaining.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

Mr. RAKER. What is the amendment to which the gentleman is speaking?

The CHAIRMAN. The gentleman from Minnesota moved to strike out the last word, and he has one minute remaining, and he asks unanimous consent that his time be extended for 10 minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Minnesota is recognized for 11 minutes.

Mr. SMITH of Minnesota. Mr. Chairman, the legal status of this question has been discussed by my colleague from Minnesota [Mr. MILLER] in a way that brought out some important legal questions. I do not believe that there is any doubt in the mind of any member of the committee as to the proposition that the National Government has control of the navigable rivers from the mouth to the source for the purpose of regulating commerce and navigation, and that Congress has an incidental right to provide for the erection of dams and to grant that right to others if it sees fit. If this is a correct statement of the law, then Congress has not the constitutional right to provide by law that the Secretary of the Interior or any other person may dispose of the water powers on the public domain located in any State of this Union.

In all acts authorizing State governments Congress has declared that the rivers therein or waters leading into the same shall be common highways and forever free, as well to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor. Therefore by this reservation Congress reserves to itself the right to make all needful rules and regulations necessary to secure the navigability of the rivers of a State and the waters leading into these rivers and as the incidental right to permit dams to be erected in such rivers. Furthermore, it is contended, and I think rightly, that in granting a permit to erect a dam in a

navigable river Congress has the right to exact certain conditions.

Hence it is quite evident that the Secretary of the Interior, who has the right to make all necessary rules and regulations concerning public land within a State, has no right to interfere with the flow of a navigable river or a stream entering into a navigable river that may pass through the public domain, unless Congress has the power to grant such right, and how can it be claimed that Congress has such power when Congress has expressly declared to the contrary in admitting the State to the Union?

This rule, of course, would not apply where reservoirs are erected upon the public domain or where the public domain has a stream that does not flow into a navigable river; but I take it that there are but few such reservoirs or streams, and the bill under consideration attempts to regulate both navigable rivers and streams entering into the same and reservoirs and purely local streams.

But by a tacit agreement between the Committee on Interstate and Foreign Commerce, that has control of legislation affecting navigable streams, and the Committee on the Public Lands the constitutions of States are to be set aside and a divided control over hydroelectric development is to be established for the sake of harmony among the different departments of our Government, such as the Department of the Interior, the Secretary of War, as well as the Interstate and Foreign Commerce Committee, the Committee on the Public Lands, and the Committee on Rivers and Harbors of the House, all to the detriment of hydroelectric development.

It would seem the part of wisdom to permit the Committee on Interstate and Foreign Commerce to have jurisdiction over the navigable rivers and the waters leading into the same, and that the Secretary of the Interior have jurisdiction over reservoirs and streams wholly within the public domain. Such a division of authority and control would have a logical basis. But the present method of dealing with the subject is illogical, unwise, and detrimental to the very object it seeks to accomplish.

Mr. RAKER. What particular thing in the bill relative to the disposition of the public land does the gentleman believe that Congress has not the power to dispose of?

Mr. SMITH of Minnesota. It is my opinion that the waters in the rivers of a State belong to the State.

Mr. RAKER. This bill rejects all the waters in the State; it does not relate to them.

Mr. SMITH of Minnesota. These waters are all within the confines of the State, even though they are on the public domain, and the only power Congress has to legislate in matters of this kind it derives from its right to exercise jurisdiction over commerce and navigation. It is an incidental right on a navigable stream, and that navigable stream commences at its mouth and ends at it source. In the legislation proposed in the pending bill we are cutting that proposition right in two; we are turning over one half of the power of Congress over navigable rivers to the Interstate Commerce Committee and the Secretary of War and the other half to the Committee on the Public Lands and the Secretary of the Interior.

Mr. RAKER. Does the gentleman take into consideration section 14 of the bill?

Mr. SMITH of Minnesota. Yes; I am taking into consideration this bill and the bill that preceded it. It is practically the same sort of legislation, legislation on the same subject. We are dividing the proposition, making double work and accomplishing but little.

Mr. RAKER. Will the gentleman yield for one more question, and then I will not trouble him again? In that broad statement that Congress has the power in the general dam bill that was passed, known as the Adamson dam bill, over a river commencing at the mouth and running through all the various branches of the stream to the trickling spring in the mountain—if that is a fact, there would be no necessity for further legislation.

Mr. SMITH of Minnesota. Congress's authority over navigable streams is limited to navigation and rights incidental thereto. The other rights and benefits of the stream belong to the State. That is the proposition I lay down.

The bill under consideration provides that the Secretary of the Interior is authorized and empowered to issue leases under such terms, conditions, and general regulations as he may prescribe to construct, maintain, and operate dams, water conduits, reservoirs, power houses, transmission lines, and other works necessary and convenient to the development, generation, transmission, and utilization of hydroelectric power within the boundary of the public domain; and these boundaries contain those headwaters and lands which the Adamson bill of the Interstate Commerce Committee placed under the control of the Secretary of War and the Chief of Engineers. Thus we have a divided control of navigable rivers and their headwaters.

The development of hydroelectric power has been in progress but 24 years. Therefore it is not surprising that we find such great difference of opinion as to what kind of legislation is necessary to develop this natural resource as rapidly as possible and at the same time protect the rights of those who use electric current. However, it should be apparent to anyone who has given the subject serious thought and consideration that the proposition is indivisible, and whatever law is passed for its regulation and control should be a unit.

Section 3 provides that different plants may combine, and in another section of the bill it is provided that the Secretary of the Interior is authorized and empowered to prescribe rates and service where the current enters into interstate commerce. When you give such power to an aggregation of allied hydroelectric-power corporations, such as the General Electric or the Stone & Webster, which may extend their operations over a stretch of adjoining States in a period in which, as stated by the Commissioner of Corporations, such electric group may operate over a contiguous area of 1,000 square miles, no one can effectively dispute their claim that current is interstate and that thereby, under the provisions of this bill, subject only to the regulations of the Secretary of the Interior.

Such a condition would render null and void all attempts of States and municipalities under present laws and charters to regulate such electric utilities. The public-service commissions of the public-land States, which attempt to regulate such utilities, would be put out of commission and their powers bestowed in lump upon the Secretary of the Interior, who, by nature of his location, can know little of local conditions and be in only a slight degree in touch with the great mass of local, State, and municipal consumers. They can not get to him in Washington to attend hearings and make statements of grievances, as now provided for in State and municipal laws and ordinances.

The practical working of this provision will be that in every State or city where there is an efficient local commission which looks after the local public interest and holds the public-service corporations strictly to account, and not to its liking, the corporation that does not like such local regulation under the eyes of the consumer will set up the excuse that its current is interstate, because its plant is combined or coupled up with other plants across the State boundary, as authorized by the combining of the plants.

The result is that instead of the government of the water power and public utilities of a State by a State commission, government by the Secretary of the Interior is substituted.

It has been urged by the authors of the pending bill that if it is enacted into law it will have a tendency to prevent and prohibit combinations and monopolies in the production and sale of electric current. It is quite apparent that it will have a contrary effect, because the hydroelectric trust can conveniently hide behind the inefficient control and regulation of current provided for in this measure.

Mr. FERRIS. Mr. Chairman, how much time does the gentleman from Wyoming desire on his amendment?

Mr. MONDELL. Ten minutes; but I would prefer to have it when we take up the bill the next time.

Mr. FERRIS. I hope the gentleman will consume that time now. Mr. Chairman, I ask unanimous consent that at the expiration of 30 minutes, 10 minutes of which will be consumed by the gentleman from Wyoming [Mr. MONDELL], debate shall close on this section and all amendments thereto. I think we have covered every conceivable phase of it. We reserve only 20 minutes for ourselves, and I understand the gentleman from Wisconsin wants part of that.

Mr. CLINE. Does that mean that we have to stay here for 30 minutes more to-night?

Mr. FERRIS. No.

Mr. STAFFORD. I understand that the chairman will move to rise at the conclusion of the discussion of the gentleman from Wyoming?

Mr. FERRIS. That is correct.

Mr. MONDELL. I do not care to use more than 5 minutes this evening.

Mr. FERRIS. I do not think the gentleman ought to halt the debate.

Mr. FESS. Mr. Chairman, I would like to have 5 minutes.

Mr. STAFFORD. I would suggest that, as the gentleman from Ohio would like to have 5 minutes, at the conclusion of his 5 minutes and of the discussion of the gentleman from Wyoming the chairman move to rise.

Mr. FERRIS. What does the gentleman desire to talk about?

Mr. FESS. I desire to address the committee on this constitutional phase.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 35 minutes the debate be closed on this section and all amendments thereto, 5 minutes to be given to the gentleman from Ohio [Mr. FESS], 10 minutes to the gentleman from Wyoming [Mr. MONDELL], and 10 minutes be controlled by the gentleman from Wisconsin [Mr. STAFFORD] and 10 minutes by the committee.

Mr. STAFFORD. And the understanding is that we rise at 5 minutes after 5.

The CHAIRMAN. Unanimous consent is asked to close debate upon the amendment in 35 minutes, 5 minutes of that time to be given to the gentleman from Ohio, 10 minutes to the gentleman from Wisconsin, 10 minutes to the gentleman from Wyoming, and 10 minutes to the committee. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, the one phase of greatest interest to me in the discussion this afternoon is this constitutional phase of the proposed bill. If this water power is to be developed on streams which are navigable or interstate, or if it is to be used as interstate power, although within a State, there is not any doubt about the constitutionality of it; nobody would question it for a moment, because it would be covered by that clause of the Constitution which gives power to regulate commerce, but I understand that much of this proposed development is to be done in public lands owned by the United States, and probably much of it entirely intrastate. That phase of it becomes of interest to me because the chairman of the committee [Mr. FERRIS] stated awhile ago that the Government could do anything that it wanted to on the public lands. That statement is very far-reaching and, I believe, unwarranted. I have been trying to get from the Constitution as I can see it the authority for the development of water power in streams that are wholly within public lands and not interstate, but intrastate.

Mr. FERRIS. Will the gentleman yield?

Mr. FESS. Yes.

Mr. FERRIS. Water power for hydroelectric energy is 24 years old. The Constitution is considerably older than that.

Mr. FESS. Yes.

Mr. FERRIS. And we are confronted with new conditions.

Mr. FESS. I admit that.

Mr. FERRIS. And the courts have passed upon it and our rights and the question of whether we have the power to develop water power in any way we like on our own lands, and we are consuming time on this for nothing, because that is absolutely settled and can not be denied.

Mr. FESS. I do not believe the chairman of the committee ought to take the position on this kind of a discussion of a constitutional phase that we are consuming time for nothing.

Mr. FERRIS. This question is so well settled and so uniformly understood one can hardly conceive of anybody questioning our right to do on our own lands what we want to do.

Mr. FESS. I know; but such a dogmatic statement as just now made by the chairman is not quite what ought to be made in the consideration of a piece of legislation in this House. The most important question is our right as given us by the Constitution, and every Member has a right to be convinced that what is done has the constitutional sanction of the organic law.

Mr. RAKER. Will the gentleman yield?

Mr. FESS. The gentlemen are going to take all of my time. What does the gentleman wish?

Mr. RAKER. I want to know whether the gentleman has read the right-of-way acts passed by this Congress in relation to public lands and the provision for the rules and regulations to be controlled by the Secretary of the Interior?

Mr. FESS. I have read a good deal of what this Government has done in regard to its authority along the lines of Federal relations. I have been a teacher of constitutional law in a university and am fairly familiar with decisions touching this issue. I am not now seeking to be heard for the sake of consuming time, and I am not speaking in the air. Mr. Chairman, I hold that there is not any constitutional sanction for the position that the Government can do as it pleases in public lands within a State, and I doubt your authority for what you are attempting to do here on a stream that is wholly intrastate. The only authority is that particular clause of the Constitution which gives authority to the Congress to deal with Territories in its disposition of public lands, or in the making of rules and regulations governing Territories. But the question of control in the Constitution as there used by the makers did not refer to such matters as we are here discussing. It had nothing to do with the things we are talking about. There were two kinds of land when the Constitution was made—States and Territories. Thirteen were States, and the balance was the Northwest and Southwest Territories, out of which we have carved nine States, five from the Northwest and four from the Southwest. In order to give control over the organization of those Territories, out of which ultimately were carved nine States, this particular clause was put into the Constitution, and had little, if anything whatever, to do with what you are now discussing. The States existed before the Constitution of 1789; also the Territories were recognized before that date. In order to make it possible for a Territory to become a State the ordinance of 1787, which antedated the adoption of the Constitution, gave a plan by which a Territory could become a State, and this clause to which you are referring has reference to that particular Territory, which is the Northwest and the Southwest. I admit that power to operate in a Territory that is acquired must come from this clause; but I think no one will question that there is no power in the Constitution or in Congress that is not delegated by the people, and if there is any power to do what you propose to do it is to be found in the Constitution, either in express terms or by implication. What is not delegated to Congress is reserved to the States. If the Government admits a Territory over which it has plenary powers to the rights of statehood, then it forfeits its powers over such Territory not reserved. It is a serious question whether the Government owns the waters within the State, although lying wholly or partly within that part known as the public domain. At any rate, the Government's authority can not be construed to interfere with the rights of the State unless specifically designated.

To me it is a question of serious doubt whether the Congress can step over into the State under this particular clause to make the rules governing a Territory which applied to the organization of a Territory looking to its admission as a State—whether under that authority you have a right to step over into the State when the State has ceased to be a Territory and do as you please, as you say, without regard to the rights of the States. I seriously doubt that position. I do not believe it is warranted.

Mr. THOMSON of Illinois. Does the gentleman recall the fact that this clause in the Constitution to which he is referring respects not only the territory but also other property of the United States?

Mr. FESS. Other property of the United States, such as, for example, the District of Columbia, lands for navy yards, docks, arsenals, and so forth.

Mr. THOMSON of Illinois. And such as public lands?

Mr. FESS. There were no public lands outside of the territory of the United States at this time, when the Constitution was adopted.

Mr. FERRIS. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on the shipping bill that passed here a few days since.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks on the shipping bill. Is there objection?

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the enhanced cost of sugar.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. RAKER]? [After a pause.] The Chair hears none.

The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to extend his remarks in the RECORD on the subject of the enhanced cost of sugar. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the workingmen's compensation act.

Mr. FITZGERALD. The rule provides for that, Mr. Speaker.

Mr. STAFFORD. This is on another proposition, and foreign to that.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the workingmen's compensation bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Wednesday, August 19, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16759) to require owners and lessees of amusement parks to furnish drinking water to patrons free of cost, etc., reported the same with amendment, accompanied by a report (No. 1093), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1094), which said bill and report were referred to the House Calendar.

Mr. GOODWIN of Arkansas, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 311) instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions, reported the same without amendment, accompanied by a report (No. 1095), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENSLEY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 17895) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 1096), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16823) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, reported the same without amendment, accompanied by a report (No. 1097), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 18417) for the relief of certain desert-land entrymen; to the Committee on the Public Lands.

By Mr. GREEN of Iowa: A bill (H. R. 18418) to amend section 447 of the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. VARE: A bill (H. R. 18419) directing the Bureau of Corporations of the Department of Commerce to ascertain the value of contracts entered into by citizens of the United States for supplying foodstuffs, etc., and empowering the President to prohibit the exportation of certain supplies; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT: A bill (H. R. 18420) to authorize the President, with the approval of the Federal Reserve Board, to suspend for a period of three months the act of February 8, 1875, levying a tax upon notes used for circulation by any person, firm, association (other than national bank associations), and corporations, State banks or State banking associations, and for other purposes; to the Committee on Banking and Currency.

By Mr. KEATING: Joint resolution (H. J. Res. 323) amending the Constitution of the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 18421) granting an increase of pension to Mary Pross; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 18422) granting a pension to Volney A. Parmer; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 18423) granting an increase of pension to Benjamin F. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18424) granting an increase of pension to William Pittman; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 18425) granting a pension to Roena Cartwright; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 18426) granting a pension to George W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18427) granting a pension to James Turnbill; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18428) granting a pension to Olive N. Hazard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18429) granting a pension to William J. Knapp; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 18430) granting an increase of pension to John A. Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 18431) granting an increase of pension to Mary Nelligan; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 18432) granting an increase of pension to Samuel D. Adams; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 18433) granting an increase of pension to Bernard Stiver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18434) granting an increase of pension to Charles Clayton; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 18435) granting an increase of pension to Albert P. Terwilliger; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 18436) granting a pension to John B. Raines; to the Committee on Pensions.

Also, a bill (H. R. 18437) granting an increase of pension to Levi Morris; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 18438) granting a pension to Ellen Fate Tuite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18439) granting a pension to Charles R. Eakins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Cohoes, N. Y., urging relief from the raising of prices on the necessities of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BRODBECK: Petition of 32 citizens of Pennsylvania, against national prohibition; to the Committee on Rules.

By Mr. COPLEY: Petitions of sundry citizens of the eleventh congressional district of Illinois, concerning House joint resolution 282, which relates to Dr. Cook's polar efforts; to the Committee on Naval Affairs.

By Mr. GOULDEN: Petitions of Gustav Kupse and 50 citizens of New York City, inclosing an editorial of the Morgen Herald of New York on "Absolute neutrality"; to the Committee on Foreign Affairs.

By Mr. J. I. NOLAN: Petition of the New Seattle Chamber of Commerce, relative to a general revision of the United States navigation laws; to the Committee on the Merchant Marine and Fisheries.

By Mr. O'SHAUNESSY: Petition of Mary C. Wheeler, favoring the Senate bill to place replicas of the Houden statues of Washington in the United States Military Academy at West Point; to the Committee on Naval Affairs.

Also, petition of the McGregor (Tex.) Milling & Grain Co., favoring the passage of the Pomerene bill of lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: Petition of 50 people of Winterport, Me., favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of sundry citizens of Colorado, against national prohibition; to the Committee on Rules.

By Mr. SUTHERLAND: Papers to accompany a bill granting an increase of pension to Levi Morris; to the Committee on Invalid Pensions.

Also, papers to accompany a bill granting a pension to John B. Raines; to the Committee on Pensions.

By Mr. WILLIAMS: Petitions of sundry citizens of Illinois relative to House joint resolution 282, to investigate claims of Dr. F. A. Cook to be discoverer of the North Pole; to the Committee on Naval Affairs.

Also, petition of officers of Local Union No. 598, United Mine Workers of America, of Lincoln, Ill., favoring clause exempting labor unions, etc., of the Clayton antitrust bill; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *August 19, 1914.*

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we can not be indifferent to the confusion of the world. While we enjoy the peace and prosperity of our own beloved land we can not but be reminded of the fearful consequences and widespread desolation that must follow the conflict across the seas. We lift our hearts to Thee for those nations involved. We pray especially for those who must bear the brunt of the struggle. Grant a speedy and permanent settlement of their difficulties in the way that Thou shalt choose. Unite the interests of men, and hasten the glad era of peace and sympathy and brotherhood, when men "shall beat their swords into plowshares and their spears into pruning hooks, and nation shall not lift up the sword against nation, neither shall they learn war any more." We plead for this in the name of the Prince of Peace. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, August 11, 1914, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF MRS. WOODROW WILSON.

The VICE PRESIDENT. The Chair has received a card from the President addressed to the Members of the Senate of the United States, which will be read.

The Secretary read as follows:

The President and the members of his family greatly appreciate your gift of flowers and wish to express their sincere gratitude for your sympathy.

RIVER AND HARBOR IMPROVEMENTS (S. DOC. NO. 565).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 7th instant, information relative to the aggregate amount of money required for the proper maintenance of existing river and harbor projects for the fiscal year ending June 30, 1915, etc., which, on motion of Mr. BURTON, was ordered to lie on the table and be printed.

TRANSFER OF VESSELS FROM COASTWISE TRADE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 4th instant, a copy of a letter and inclosure from the collector of customs at Philadelphia and of a telegram from the collector of customs at New York, giving further information as to the coastwise vessels available for foreign trade, which, with the accompanying papers, was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Commerce, transmitting, in further response to a resolution of the 4th instant, an additional telegram from the collector of customs, San Francisco, Cal., and a copy of an additional letter from the collector of customs, New York City, N. Y., together with an inclosed letter of the A. H. Bull Steamship Co., relative to vessels now in the coastwise trade which the owners would use in over-sea foreign trade in the present emergency, which, with the accompanying papers, was ordered to lie on the table.

GENERAL EDUCATION BOARD AND CARNEGIE FOUNDATION.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, stating, in response to a resolution of the 5th instant, that no employees of the Post Office Department are paid salaries in whole or in part out of funds contributed by the General Education Board of the Rockefeller Foundation and the Carnegie Foundation, which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Agriculture, stating, in response to a resolution of the 5th instant, that there are no employees in the Department of Agriculture whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation or the Carnegie Foundation, which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Commerce, stating, in response to a resolution of the 5th instant, that no persons in the Department of Commerce are paid in whole or in part with funds contributed by either the General Education Board of the Rockefeller Foundation or the Carnegie Foundation, which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Labor, stating, in response to a resolution of the 5th instant, that the Department of Labor has no relations whatever with the organizations known as the General Education Board of the Rockefeller Foundation and the Carnegie Foundation, and that no persons in that department are paid in whole or in part with funds contributed by either of these foundations, which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 6116) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 654. An act to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes;

S. 5198. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; and

S. J. Res. 178. Joint resolution granting authority to the American Red Cross to charter a ship or ships of foreign register for the transportation of nurses and supplies and for all uses in connection with the work of that society.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of South Norwalk, Conn., Washington, D. C., and Ness City, Kans., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Keota and Odebolt, in the State of Iowa; of East Liverpool and Attica, in the State of Ohio; and of Oakland, Cal., Francesville, Ind., Alton, Ill., and Gainesville, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Douglas, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CULBERSON. I present a letter in the shape of a petition and ask that it may be read.

There being no objection, the letter was read, as follows:

DALLAS, TEX., *August 15, 1914.*

Hon. CHARLES A. CULBERSON,
Washington, D. C.

DEAR SENATOR: Telegraphic advices announce President Wilson's disapproval of the American bankers' plan to float loans for the benefit of belligerent countries of Europe. That is good, and I hope his views will prevail.

Now, induce him to go a step further and place an embargo on the exportation of foodstuffs. You, of course, are fully apprised of the enormous jump in prices of food commodities since August 1. There have been no excessive exportations since August 1, consequently the supply in the United States must be greater to-day than on August 1, and yet prices are steadily advancing, and in advancing have curtailed consumption, further augmenting the supply.

From my viewpoint this Government owes nothing to the foreign nations, but everything to its own people. If an embargo should be placed upon foodstuffs, necessarily the firms who have gathered in the outputs of the farmers will find themselves confronted with the proposition to either hold it at a loss or sell at a fair profit. That they would unload, it seems a fair assumption, since the rate of interest having also advanced they will find themselves unable to cope with an embargo and the dearer money.

In this connection, if you will pardon the suggestion, while the Reserve Board and the Treasury are making every effort to furnish bankers of the country with money, they should also determine the maximum rate of interest it should be let at. Already the bankers in the large cities have raised the rate from 5 per cent to 7½ and 8 per cent. The bankers of Texas, so far as I understand, are holding to their normal rates. How long, though, they can withstand the position taken by the northern and eastern bankers is to be determined. It would be safe to conjecture, however, that as a mere matter of protection to themselves from overdemands they, too, will have to raise their rates. Whatever the case, the fact remains that it is an injustice to the very class the Government is seeking to aid—the producing class and the commercial interests dependent upon it.